



Northern Ireland
Assembly

OFFICIAL REPORT

(Hansard)

Volume 62

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O'Neill, Mrs Michelle (Mid Ulster)
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Principal Officers and Officials of the Assembly

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Deputy Speakers.....	Mr John Dallat MLA Mr David McClarty MLA Mr Francie Molloy MLA
Clerk to the Assembly/Director-General.....	Mr Trevor Reaney
Director of Clerking and Reporting	Mr John Stewart
Director of Engagement	Dr Gareth McGrath
Director of Facilities/Keeper of the House.....	Mr Stephen Welch
Director of Legal Services	Mr Hugh Widdis
Director of Resources	Mr Richard Stewart
Examiner of Statutory Rules	Mr Gordon Nabney
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Editor of Debates	Mr Simon Burrowes
Clerk to the Assembly Commission.....	Mr Tony Logue

Ministerial Offices

The Executive Committee

First Minister	Mr Peter Robinson
Deputy First Minister	Mr Martin McGuinness
Minister for Employment and Learning	Mr Danny Kennedy
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 21 February 2011

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

Members observed two minutes' silence.

Assembly Business

Mr Callaghan: On a point of order, Mr Speaker. I wish to refer to the Hansard report of Tuesday 15 February 2011. Just after 10.00 pm on that date, the Minister of Finance and Personnel referred to me by a name that is neither mine nor that of my constituency. When he was taken up on that by the Deputy Speaker, his response was:

"We will not put it on the record anyway. It does not matter." — [Official Report, Bound Volume 61, p428, col2].

Mr Speaker, in my view and in the view of constituents who raised it with me, it does matter. I ask you to rule on whether it is conducive to the good order and conduct of the House for a Member to refer to another Member in a derogatory way that is neither his name nor that of his constituency.

Mr Speaker: I thank the Member for his point of order. If he will allow me to look at the issue, I will come back to him directly or to the House.

Mr McGlone: On a point of order, Mr Speaker. I am glad that the Minister of Health, Social Services and Public Safety is here to hear this, because I know that there have been numerous communications with his office on the matter. It concerns the delay, especially in this instance, at the Department of Health, Social Services and Public Safety, in responding to questions for written answer from Members. Two of my questions remain outstanding, and I found out this morning that they are among almost 50 that remain unanswered. They are AQW 1501/11, which was tabled on 19 October 2010, five months ago, and AQW 3160/11, which was tabled three months ago. It is regrettable that I have to raise the matter here, but that is in spite of numerous representations made through and by the Business Office to the Department to have those questions answered.

Mr Speaker: I thank the Member for his point of order. As the whole House knows, the issue of getting answers to questions from Ministers is something that I take very seriously. However, the Minister is in the House this morning, and I am sure that he is listening to the Member.

Suspension of Standing Orders

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 21 February 2011.

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

Question put and agreed to.

Resolved (with cross-community support):

That Standing Orders 10(2) to 10(4) be suspended for 21 February 2011.

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

Executive Committee Business

Sunbeds Bill: Further Consideration Stage

Mr Speaker: I call on the Minister of Health, Social Services and Public Safety to move the Further Consideration Stage of the Sunbeds Bill.

Moved. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Mr Speaker: As no amendments have been tabled, there is no opportunity to discuss the Sunbeds 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.

Ministerial Statement

Education: Procurement

Mr Speaker: I have received notice from the Minister of Education that she wishes to make a statement to the House.

The Minister of Education (Ms Ruane): Go raibh maith agat, a Cheann Comhairle. A Cheann Comhairle, rinne mé ráiteas leis an Tionól ar an 23 Samhain 2010 ag fógairt imscrúduithe neamhspleácha ar shaincheistean soláthair i mBoird Oideachais agus Leabharlainne an Oirdheiscirt agus an Oirthuaiscirt. Mar a léirigh mé i mo ráiteas ag seoladh na n-imscrúduithe seo dom, ba mhian liom a bheith sásta go raibh na cleachtais soláthair oiriúnach chun na críche sin, go léiríonn siad polasaí sholáthar poiblí an Choiste Fheidhmiúcháin agus go dtaispeánann siad luach ar airgead don sparán poiblí.

I made a statement to the Assembly on 23 November 2010 announcing independent investigations into procurement issues in both the South Eastern and North Eastern Education and Library Boards. As I indicated in that statement, in launching those investigations, I wanted to be satisfied that procurement practices are fit for purpose, reflect the public procurement policy of the Executive and demonstrate value for money for the public purse.

I wish to deal first with the findings of the investigation into issues at the South Eastern Education and Library Board (SEELB). That investigation involved extensive work by my Department's internal audit team. In addition, external independent experts in this field were secured to undertake a gateway health check review of the procurement and management of contracts. That review was carried out during the week commencing 6 December. The suspected fraud concerning the installation of heating plant in a post-primary school is currently a matter of internal disciplinary procedures in the board and is being considered by the PSNI. As it may be subject to legal proceedings, I do not intend to comment any further at this stage.

An objective of the investigation was to determine whether fraud had been committed in the SEELB. I am reassured by the fact that, other than the case currently with the PSNI, no further evidence of fraud was identified as a result of the investigation. However, the overall

conclusion of the investigation is that there are significant weaknesses in governance and in the internal control of procurement practices within the South Eastern Education and Library Board. The gateway health check review team found a fragmented approach in the governance and control arrangements for procurement and management of contracts and made nine recommendations, the implementation of which it believes is essential in rectifying the current position. I wish to spend some time on those key recommendations.

First, the review team found no evidence of any proactive scrutiny by the board of procurement risks and issues. The review team highlighted the fact that the board has only partial oversight of procurement activities with no overarching strategy in place. The review team recommended that the SEELB develop a procurement strategy and procurement plan for all further procurement activities under its direct control and that the board and senior leadership team must sign that off before procurement activity is commenced.

The review team highlighted an absence of appropriate skills and resources on the board and a failure to fully utilise existing professionally qualified staff. Although I recognise the resource issues that have arisen through the impasse in establishing the Education and Skills Authority and the need to address those issues, that does not absolve the board or chief executive of their responsibilities in the discharge of their duties as set out in 'Managing Public Money'.

The review team specifically expressed concerns about the ability and capabilities of the board to introduce and manage planned new term service contracts. The permanent secretary has written to the chief executive of the South Eastern Education and Library Board with a copy of the review team's report, and the board has suspended work on that activity, pending resolution of the issues raised by the review team.

In addition to the gateway review, the Department's internal audit team, with technical support from the Central Procurement Directorate, carried out an extensive investigation into the operation of the measured term contracts that the board has in place. The purpose of that investigation was to determine whether work had been properly allocated to contractors in line with the contracts; whether the extent of the work

corresponded with the orders; and whether the price paid by the board was satisfactory and in keeping with market prices. In carrying out that investigation and in light of the previously identified suspected incident, the team was alert to the possibility of fraud. To ensure that potentially fraudulent issues were properly considered and addressed, the Department engaged DARD's central investigation service to provide advice on the risk of fraud in that area and to review the potential for fraud in the emerging findings.

Caithfidh mé a rá ar dtús nár nochtadh aon fhianaise bhreise gurbh ann do chalaois. Sainaithníodh laigí tromchúiseacha i rialachas agus i rialú inmheánach, áfach, agus d'fhág siad seo go bhfuil na córais i mbaol earráide, calaoise nó dúshaothraithe. Is ceist an-tromchúiseach í seo. Dá dheasca sin, ní féidir leis an bhord a léiriú go soiléir gur cuireadh cosc ar chalaois agus chaillteanas agus gur baineadh luach ar airgead amach.

I should say at the outset that no additional evidence of fraud was uncovered. Serious weaknesses in governance and internal control, however, were identified, and those have left the systems vulnerable to error, fraud or exploitation. That in itself is a very serious matter. As a result, the board is unable to clearly demonstrate that fraud and loss were prevented and value for money achieved.

In the course of its work, the internal audit team also determined that the extension to the existing measured term contracts was a single-tender action that had not been approved by the accounting officer, as required under procurement guidance. You will understand, a Cheann Comhairle, that I regard that failure to adhere to procurement procedures as a serious issue in itself. Those are serious shortcomings, and they present an unacceptable level of governance and management in the board's procurement procedures.

I met the chairperson of the SEELB commissioners on 3 February. The purpose of the meeting was to enable me to directly express my serious concerns about the findings of the gateway review and the internal audit report. In response, the chairperson of the commissioners confirmed that the commissioners fully accepted the analysis and recommendations of both reports and the essential need for proper procedures for the disbursement of public money and

confirmed their commitment to making good all the identified deficiencies and to doing so as quickly as possible. The chairperson of the commissioners subsequently wrote to reaffirm the board's acceptance of the issues and the agreed way forward. I reflected carefully on those undertakings and acknowledge that the board has fully co-operated with the Department throughout the investigation.

Although I welcome the board's recognition of the issues, I am mindful that the investigation has identified significant weaknesses in the board's governance. Therefore, I must be fully satisfied that the board is urgently undertaking the full range of actions required. To that end, I have initiated measures designed to give me confidence that the board is comprehensively addressing the issues identified. The board has submitted two action plans setting out the measures being taken to address the recommendations contained in the gateway review and the internal audit report. I instructed my officials to work directly with the board in augmenting those measures with a view to submitting, for my approval, one integrated action plan that fully reflects the gravity of the findings of the investigation and is capable of comprehensively and urgently addressing the issues identified. I will monitor progress on the approved action plan fortnightly.

Ceapfaidh an Roinn saineolaí neamhspleách soláthair le maoirseacht a dhéanamh agus ag an bhord agus é a stiúradh de réir mar is gá i bhforbairt agus i gcur i bhfeidhm an phlean gníomhaíochta agus le comhairle a chur ar fáil domsa go díreach ar aon idirghabháil bhreise a d'fhéadfadh a bheith de dhíth.

12.15 pm

The Department will appoint an independent procurement expert to oversee and direct the board as necessary in the development and implementation of the action plan and to provide advice directly to me on any additional intervention that may be required. The Department's internal audit team will conduct a broader review of governance in the SEELB and report to me. The board will be required to present a report on the extent of single-tender actions that have taken place in the SEELB in the past three years. The frequency of governance and accountability meetings between the Department and the SEELB will be increased from quarterly to monthly to

demonstrate increased stewardship. I will keep the situation under review, taking account of the advice of the independent procurement expert, and will take whatever additional steps may be necessary.

I turn to the second procurement issue, which I highlighted to the Assembly in my statement on 23 November 2010, relating to the approval and procurement of a new school for Magherafelt High School. Members will recall that the chief executive of the North Eastern Education and Library Board reported that the board had entered into an arrangement with the contractor involved, which resulted in construction work being done without all the necessary approvals being in place with the Department. The board has made payment for the work that has been done, including an element that has not been approved by the Department.

Ina theannta sin, bhain an príomhfheidhmeannach de thátal as go bhfuil caiteachas tabhaithe ag an bhord ar an tionscadal seo i rith na bliana airgeadais 2010-11 a mheasfar a bheith neamhrialta. Moreover, the chief executive concluded that the board incurred spend on that project in the 2010-11 financial year that may be deemed irregular.

I commissioned an external investigation of all the circumstances around the procurement and work associated with the contract. A report was presented to the Department on 20 December 2010. In summary, the review concluded that there is nothing to indicate that the Department suffered any financial loss as a consequence of how the contract has been handled to date. There is no suggestion that any member of staff at board level has benefited improperly in any way from the decision to proceed with phase two of the project without all the necessary approvals being in place with the Department. Any failing has been one of not appreciating the need for approval required by the Department before committing to phase two of the project, rather than a deliberate attempt to set aside the formality of the approval and control processes.

By its own admission, the board recognises that the issues surrounding the handling of the Magherafelt High School project have resulted in a serious breach of financial control. However, the findings of the independent investigation make it clear that there is nothing to indicate any financial loss to the Department or that anyone has benefited improperly in any way

from the decision to proceed with the additional works. The main failing highlighted by the report is that the board did not appreciate the requirement to seek approval from the Department before committing to phase two of the project, rather than there having been a deliberate attempt to set aside the formality of the approval and control processes.

The North Eastern Education and Library Board should be well aware of its delegated levels of authority and the need to seek departmental approval. However, the report highlights the fact that the Department should have formally ensured that the board was clear about the need for separate approval for the second phase of the works.

Chuige sin, tá na moltaí atá leagtha amach sa tuarascáil ina gcabhair, agus déanfar cinnte nach mbeidh mírialtachtaí mar seo le feiceáil arís in aon chonradh eile a dhéanfar as seo amach. Rinneadh na moltaí seo a leanas sa tuarascáil. To that end, the recommendations set out in the report are helpful in ensuring that there is no recurrence of such irregularities with future contracts. The following recommendations have been made in the report. First, a programme of quarterly meetings between the board and the Department should be set up to monitor progress on capital schemes. Secondly, the present arrangement of having only one professional and technical officer responsible for capital procurement in the board is not sustainable and leaves the board, the Department and individuals exposed; therefore, additional professional and technical staff or the redistribution or pooling of staff resources should be considered. Thirdly, communication around capital planning, internal approvals and approvals between the Department and the board should be reviewed and a more formal communication arrangement adopted.

Although communications and operational arrangements between the Department and the board can and will be improved, I still face the serious issue that the North Eastern Education and Library Board has incurred irregular expenditure on a project that now stands costed at £11.5 million. The investigation reassured me that there was no fraudulent motive around the advancement of the project. However, the fact remains that the board has admitted to incurring irregular expenditure on the project by proceeding without the appropriate approval in place. Furthermore, I am in the difficult position

of having to regularise that expenditure and find additional capital resource for the project from an already overstretched capital budget.

These are serious issues that strike to the heart of governance and sound financial management in the board. The report highlighted problems arising from the shortage of appropriate skills and the high vacancy rates on the board. Although that is of concern and needs to be addressed, it does not absolve the board or chief executive of their responsibilities in discharging their duties as set out in the 'Managing Public Money' document.

I met the chairperson of the North Eastern Education and Library Board on 3 February 2011 to express my serious concerns about the potentially irregular expenditure, to provide the chairperson with an opportunity to explain the reasons for failure in governance and to seek assurances on the steps being taken to mitigate any recurrence. In doing so, I acknowledged that more formal lines of communication and reporting between the Department and the board should have operated in advancing the various stages of the new Magherafelt High School project. I also stressed that the board should have been well aware of its obligations to formally seek approval for that level of public expenditure.

The chairperson of the board acknowledged that the failure to seek formal approval should not have happened, and he acknowledged the seriousness of the matter. He outlined the steps being taken by the senior management team in the board to ensure that such a failing in governance should not happen again. As with the South Eastern Education and Library Board, I acknowledge that the North Eastern Education and Library Board has co-operated fully with the Department in facilitating the independent review. Nevertheless, in the light of this experience, I need to fully assure myself that the governance and accountability arrangements in the North Eastern Education and Library Board are robust and in line with best procurement practice, and I have initiated steps to that end.

The North Eastern Education and Library Board will be required to develop an action plan in response to the recommendations in the independent review of Magherafelt High School. The action plan will be presented for my approval, and the Department will monitor

progress and, if necessary, alert me to any significant issues or shortcomings that require further intervention. I intend to initiate a gateway health check review of procurement and contract management in the North Eastern Education and Library Board. That will be undertaken as a matter of urgency. I have instructed the Department's internal audit team to carry out an immediate and targeted review of governance and control in the board, including a review of capital expenditure planning, approvals, monitoring and communication between both organisations. We will establish quarterly meetings between the chief executive and the Department to formally agree procurement plans and subsequently monitor progress on an ongoing basis. Again, I will keep the situation under review and, taking account of both reviews that I am commissioning, I will take whatever additional steps may be necessary.

The investigations of both boards highlighted issues of capacity and capability in view of the impact of vacancy control. That is a direct consequence of the vacuum created by the lack of political agreement to advance the legislation that would give effect to the establishment of the Education and Skills Authority. I have always stated that the case for the establishment of ESA was unequivocal, and I acknowledge that the delay and uncertainty is having a debilitating impact on bodies such as the education and library boards. However, that does not absolve the boards of their statutory and financial responsibilities, nor does it absolve the accounting officers in the education and library boards of their responsibilities for the management of public funds.

If ESA had been in place, we would already be well down the road to creating a unified single centre of procurement expertise for the education sector. I want to see ESA established at the earliest opportunity. However, in light of the investigations, it is necessary for me to swiftly address the lack of accredited COPE status in the education sector. In that regard, I have established a unit in the Department, led at senior civil servant level, that will be charged with overseeing the work that arises from the two investigations and taking forward the design and implementation of a new centre of procurement expertise for the education sector as a whole.

As part of that work and in view of the findings of the investigations into the SEELB and the

NEELB, I have decided to commission gateway reviews of the procurement and contract management arrangements in the Belfast Education and Library Board, the Western Education and Library Board and the Southern Education and Library Board. I anticipate that those reviews will be completed before Easter, and I will assess whatever steps may be required in response to the findings.

The findings of the investigations to date have shown that it was necessary and appropriate to commission this work. Urgent action is required to improve control and governance. In response, I have initiated a series of measures that I consider to be appropriate and commensurate with my duty to ensure that robust governance and accountability arrangements are in place. The work undertaken to date has been comprehensive, as will be the additional body of work that I have commissioned. I have today placed in the Assembly Library copies of the reports that I referred to in my statement. I will continue in the vein of complete transparency and accountability to the Assembly on those matters. The NI Audit Office has been kept informed of the outcome of the investigatory work that has been undertaken.

Tuigfidh Comhaltaí gur ceisteanna tromchúiseacha iad seo. Is é aidhm an ráitis seo an Teach a choinneáil ar an eolas faoin obair idir lámha de réir mar a mheasaim a leithéid a bheith. Léirigh mé an diongbháilteacht atá agam agus an phráinn a bhaineann leis na ceisteanna seo agus tabharfaidh mé tuairisc eile don Tionól san am atá romhainn.

As you will appreciate, these are serious matters. The purpose of this statement is to keep the House informed on what I consider to be work in progress. I have demonstrated my resolve and urgency on these matters, and I will report further to the Assembly.

The Chairperson of the Committee for

Education (Mr Storey): It is imperative that procurement practices in the education sector are transparent, adhere to good governance and deliver value for money to the taxpayer. However, the chief executives of the five education and library boards are directly and legally accountable to the permanent secretary of the Department of Education and, hence, the Education Minister. Will the Minister inform the House why there was a breakdown in governance, accounting and communication

arrangements in the education and library boards, particularly in the two cases that were reported to the House today, and how that happened?

The Minister referred to failings in her Department. Will she inform the House today whether she has commissioned the gateway health check review team to look at the shortcomings of the Department of Education in relation to those issues? Linked to that, the Minister reported to the House on 23 November 2010 that, in the case of Magherafelt High School, tender action was taken before economic appraisal was fully cleared, and construction work began before the Department gave the necessary approvals. The Comptroller and Auditor General's report of 22 December 2010 highlighted failures by the Department of Education in 2009-2010 and 2008-09 to complete business cases and have the necessary approvals from the Department of Finance and Personnel, which resulted in irregular and unqualified expenditure of £211,000 and £2.1 million in 2009 and 2010 respectively. Have any systematic failures in the Department's accounting systems carried through to the accounting arrangements in the education and library boards, particularly in relation to the report's findings of the Department's failings in 2008-09?

Did you take action to put in place controls then to prevent any reoccurrence?

Finally, Mr Speaker, I register my disapproval and disappointment, on behalf of the Education Committee, about the fact that the Committee is being informed of this today. No communication has been sent to the Committee by the Minister, but information has been placed in the House Library. The statement refers to the establishment of a unit in the Department.

12.30 pm

Mr Speaker: I ask the Member to finish.

The Chairperson of the Committee for

Education: Will you, Mr Speaker, ensure that the Education Committee, as a Statutory Committee of the House with responsibility to scrutinise the Minister's work and actions, is informed in an appropriate way of all that the Minister is doing in the last few weeks of her tenure?

The Minister of Education: I thank the Member for welcoming transparency and accountability. I trust that he is not in any way justifying irregular

expenditure or problems that have arisen about the board's accounting officer duties. I hope that he was not trying to justify that in any way, because the role of Chairperson of the Education Committee is very important. There are serious failings in two of the boards, which is why we will look very carefully at procurement practice in the other three boards.

One of the reasons why I have ensured that we have an expert in the Department is so that we look at procurement not only in boards but also in the Department. We came into government to bring about change. Many bodies in my Department and in others were brought in by direct rule Ministers. I want to set up the education and skills authority (ESA). It is obvious that, were that authority in place, we would not have many of the issues that we have here, and we would have a chance to create a new organisation that is fit for purpose and will bring about huge changes and improvements in standards, governance and accountability. I look forward to parties in the House supporting me in that.

Mr O'Dowd: Go raibh maith agat, a Cheann Comhairle. I am not sure if there are any questions left to be asked, but I will find a few.

I welcome the statement by the Minister, which highlights areas of concern about procurement and best value for public funds. I note that, at the beginning of her statement, she referred to a PSNI investigation. I recognise that the Minister is restricted in commenting on that. However, has she any further information about what stage that investigation is at and to what degree the PSNI will investigate?

The Minister of Education: Go raibh maith agat as an cheist sin. I can say that Detective Sergeant Sharon Little has confirmed that there is a live investigation involving a potential fraud in the region of £6,500. The key details are the change in specification of two boilers and two water heaters and the installation of two second-hand burners instead of new. Witness statements have been taken from the South Eastern Education and Library Board officers. Photographs have been taken at the site. The CID is continuing enquiries and will speak to people who will be able to assist the investigation.

Lord Empey: First, education and library boards have existed for 38 years, during which one of their key functions has been the procurement of

new building projects for schools and colleges. Therefore, it is disconcerting that significant failures of governance continue in the boards. For some months, many in the Education Committee have been urging the Minister to ensure that public representatives are appointed to the South Eastern Education and Library Board, because we feel that that would deliver better oversight.

However, when we turn to the North Eastern Education and Library Board, it appears, and the Minister has admitted, that somebody in her Department was asleep at the wheel, because everybody knew that Magherafelt High School was being built.

Anybody who drove through the town could see it, and there was clearly going to be a second phase. So, what are the financial implications if the Minister's Department knew that this construction was going on, albeit irregularly? Where will she get the money to complete the projects? Are there any implications for the other Magherafelt schools that were to be built and completed and about which she made statements in the House last year? After all these years, it is disconcerting that there continues to be failure in one of the primary functions of the boards, which has not changed in principle since 1973.

The Minister of Education: I absolutely agree with the Member. It is disconcerting, and that is why I brought forward the proposals to establish ESA. The boards have been in operation for 38 years. Far too many organisations administer education, and we need one body, namely the education and skills authority. It is a pity that, to date, the Member's party has not supported the establishment of ESA. However, I acknowledge that he recognises that that practice should not be happening, and I share that view. The way forward is not to reinstate the board; the way forward is to establish ESA.

There are financial implications for my Department and for the boards, because £8.2 million was agreed yet more than £11 million was spent. It is not good enough for a board to make decisions. They know their roles on accounting officers. Yes, the Department has a role. We received written assurances from boards when we asked them about their procurement practices. However, those written assurances did not give us the answers that we should have been given. My Department and I

have been actively meeting with all the boards, and we are holding the boards accountable. I have outlined the actions that we will take, and there will be much more control through meetings with the boards. In the past, those meetings were quarterly or six-monthly, but they will now be monthly on some aspects. I have had to find the money from my capital budget, and, as the Member knows, it is a very difficult time for education. Does it have implications for the other Magherafelt schools? No, it does not. Those schools will go ahead once they complete all the approvals.

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an ráiteas a rinne sí. Mhínigh an tAire go soiléir na laigí atá i rialachas agus i ról scrúdúcháin na mbord oideachais ar na hábhair áirithe seo. The Minister has outlined very clearly the boards' weakness in governance and scrutiny of those very serious issues. However, there were obviously serious weaknesses in governance and scrutiny in her Department. She failed to mention that in her statement. Can the Minister outline the steps that she has taken or will take to ensure that the governance and scrutiny roles of her own Department are as effective and efficient as they should be?

The Minister of Education: There are weaknesses in governance in the two boards, and we need to address those issues. I will be to the fore in addressing those. Where there are weaknesses in my own Department, we will rectify those. I mentioned in my statement the importance of the Department having skilled expertise in relation to procurement, and we have brought in a very senior civil servant on that matter. That work will look at all aspects of procurement.

Mr Lunn: The Minister will be familiar with the Public Accounts Committee's (PAC) report last year into similar failures in the Belfast Education and Library Board, and she will be aware that all recommendations of that report were accepted by the Department. Given that the same problems seem to be recurring, is the Minister satisfied that those recommendations have been sufficiently passed down to the appropriate level?

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

The Minister of Education: As the Member will know, I said that we will continue the work with the Belfast Education and Library Board, the

Western Education and Library Board and the Southern Education and Library Board.

I do not want to pre-empt any investigations or internal audits, but Members can be sure that we will leave no stone unturned to ensure that the public purse is protected.

Mr Hilditch: I welcome the statement to update the House and the steps that have been put in place. Will the Minister confirm that the external investigation centred solely on the irregular expenditure of the £11.5 million project in Magherafelt, or were any other historical projects considered during the investigation?

The Minister of Education: The investigation was in relation to Magherafelt High School. Obviously, we will now be looking at various contracts in the boards.

Mr P Maskey: Go raibh maith agat, a LeasCheann Comhairle. I appreciate the statement and the work of the review team. Following on from Trevor Lunn's point, the PAC made a number of recommendations on procurement issues in all Departments, but I am shocked when I hear that the review team found that there was no evidence of any proactive scrutiny by the board on risks. Does the Minister agree that that runs the risk of the board not achieving best practice and value for money? Will she ensure that the boards are made aware of the reports by the PAC and the Audit Office?

The Minister of Education: I agree with the Member on the need for transparency. I share his concern that such irregular expenditure is worrying, and, in our Department and, indeed, all Departments, we need to ensure that there is accountability, transparency and value for money and that the proper financial procedures are in place. The boards are aware of my concern about those issues. I will make the boards aware of the Member's points and of the PAC reports, and I would be surprised if they were not aware of them already. That is why we came into government and why we wanted to bring about badly needed change. At the end of the day, the House can best serve education by establishing the education and skills authority.

Mr Craig: I was especially glad to hear the words of the Chairperson of the Public Accounts Committee. Those incidents are unacceptable. I want to ask a serious question of the Minister. All boards should have their own audit committees, and I suspect that four of the five boards do. Is

the Minister aware of an audit committee for the South Eastern Education and Library Board, and if one does not exist, why not? More importantly, has the Minister contributed to that situation by not appointing a new board to the South Eastern Education and Library Board?

The Minister of Education: I agree with the Member that all boards should have an audit committee, and I confirm that the South Eastern Education and Library Board has an audit committee. I have absolutely not contributed to the situation by not reinstating the board. I am ready to introduce ESA, which will make a difference. Currently, nine bodies administer education. I throw the question right back at the Member and his party: have they contributed to such issues in their failure to date to support the establishment of the education and skills authority? *[Interruption.]*

Mr Deputy Speaker: Order, please. I emphasise that all remarks will be made through the Chair and not across the Floor.

Mr McCallister: Does the Minister agree that the one word in her statement that sums up her term in charge of the Department is “vacuum”?

The Minister of Education: Absolutely not. I do not agree, and, fortunately, my party chose the Department of Education because it meant that we could bring about significant reform of the education system. We have put significant focus on underachievement. We have removed the 11-plus and spent more than £500 million on building new schools across the North. I remember some of the comments from the Benches opposite that referred to our world-class education system. *[Interruption.]*

Mr Deputy Speaker: Order, please. Resume your seat, please, Minister. If one Member on my right persists in shouting across the Floor, I will name that Member and ask them to leave the Chamber.

12.45 pm

The Minister of Education: Go raibh maith agat, a LeasCheann Comhairle. I do not agree. What we have is a new, much more equal and fairer education system. We have a system in which the state no longer sponsors and funds state-sponsored testing, as it did in the past. The test, which was designed in the 1940s, is not fit for purpose now, and children should never have been put through it. Therefore, we have made

significant advances, but there is more work to be done.

However, if the parties opposite had their way, they would say that we have a world-class education system, and they would be willing to pretend that the current significant level of underachievement does not exist. Apparently, they were happy with the levels of underachievement. They thought that it was OK for 12,000 young people to leave school without five good GCSEs. As far as I am concerned, that is not good enough. We have worked hard to bring about change. It is good, important change, and we need further change.

Mr I McCrea: Given that Magherafelt High School is in my constituency, it would be remiss of me not to welcome the overspend there. However, concerns about the wider issue must be addressed. The Minister informed the House of the failings in the North Eastern Board, but, unfortunately, made little mention of the failings in her Department. I would like the Minister to tell us how she intends to deal with those failings.

Will the Minister make it clear that the procurement issue that she highlighted is no slight on the staff of Magherafelt High School? I want to make sure that that is cleared up. Will she also ensure that it does not have any impact on Magherafelt Primary School and nursery unit?

The Minister of Education: It worries me that the Member does not seem to take the matter as seriously as it should be taken. It is not good for a Member to welcome an unauthorised, irregular overspend. I treat the matter, and will continue to treat such matters, very seriously, because I am not in government to allow lax rules, accountability or governance in any constituency.

I have answered the Member's question on the Department. I said that we take our duties extremely seriously and that we have brought in an expert to ensure good procurement practices right across education.

There was never any slight on, or mention made of, staff in Magherafelt High School. The issue was never about the staff in a school. The only person who brought that up was the Member. At no point did I mention it. It was a matter of procurement and the failure of duty in relation to accounting officer status.

Mr Spratt: The South Eastern Board has been devoid of any political or independent scrutiny for a number of years. The Minister said that she was looking to the board to issue a report on single tender actions over the past three years. In light of her statement, will she indicate whether there have been any other single tender actions?

The Minister of Education: I am very concerned that a single tender action has been identified without the appropriate accounting officer approval. I regard that failure to adhere to procurement procedures as a serious issue. As I said, the board will be required to present a report on the extent of single tender actions in the South Eastern Education and Library Board over the past three years. In April 2010, my Department sought and was provided with assurances that the board had complied with its statutory obligations and was applying and adhering to procurement policies, processes, procedures and regulations.

The findings of the investigation throw into question that assurance. The Member will note from my statement the actions that I have taken on that issue. I will not pre-empt any work beginning now, but I share the Member's concerns about single tender actions. At the risk of repeating myself, maybe the Member and his party now understand the importance of establishing the Education and Skills Authority.

Mr Deputy Speaker: That concludes questions to the Minister of Education on her statement.

Mr Spratt: On a point of order, Mr Deputy Speaker. Earlier, the Minister referred to a criminal investigation on an ongoing case that she mentioned in her statement to the House. She named a police officer who was involved in that investigation and also gave details of it. I ask you to ask the Speaker to examine exactly what the Minister said and to bear in mind that comments such as those that she has just made may well hinder, in some way, a criminal investigation from taking place. In fact, when other Ministers come to the House and investigations are taking place in their areas of responsibility, they will not answer questions on those investigations. Therefore, the Minister has overstepped the mark. I ask you to ask the Speaker to look at the issue.

Mr Deputy Speaker: I assure the Member that the Hansard report will be reviewed and that the Speaker will respond accordingly.

Executive Committee Business

Housing (Amendment) (No. 2) Bill: Consideration Stage

Mr Deputy Speaker: I call the Minister for Social Development to move the Consideration Stage of the Housing (Amendment) (No. 2) Bill.

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

Mr Deputy Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list.

There are three groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 9, 23 and 24, which deal with private tenancies. The amendments cover a range of matters, including disclosure of rates and housing benefit information to councils; length of notice to quit; registration of landlords; and fines for failing to register houses in multiple occupation.

The second debate will be on amendment Nos 10 to 14, which deal with antisocial behaviour and include amendments on the grounds for withholding consent to the exchange of secure tenancies and also matters for the court to take into account in deciding on possession orders.

The third debate will be on amendment Nos 15 to 22 and 25, which deal with the Housing Executive and other social landlords. The amendments include matters such as abolishing the rent surplus fund, abandoned tenancies and the Housing Executive's community safety functions.

Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. I remind members to address all the amendments in the group on which they wish to comment. The Questions on stand part will be taken at the appropriate points in the Bill.

Clause 1 ordered to stand part of the Bill.

Clause 2 (Tenancy deposit schemes)

Mr Deputy Speaker: We now come to the first group of amendments for debate on private

tenancies. With amendment No 1, it will be convenient to debate amendment Nos 2 to 9, 23 and 24. Members should note that amendment Nos 23 and 24 are consequential to amendment No 8 and that amendment No 23 is a paving amendment to amendment No 24.

The Minister for Social Development

(Mr Attwood): I beg to move amendment No 1: In page 2, line 6, after “Article” insert “and Article 5B”.

The following amendments stood on the Marshalled List:

No 2: In page 2, line 13, after “Article” insert “and Article 5B”. — *[The Minister for Social Development (Mr Attwood).]*

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

“Length of notice to quit

2A.—(1) Article 14 of the Private Tenancies Order (length of notice to quit) is amended as follows.

(2) In paragraph (1) for ‘4 weeks’ substitute ‘the relevant period’.

(3) After that paragraph insert—

‘(1A) For the purposes of paragraph (1) the relevant period is—

(a) 4 weeks, if the tenancy has not been in existence for more than 5 years;

(b) 8 weeks, if the tenancy has been in existence for more than 5 years but not for more than 10 years;

(c) 12 weeks, if the tenancy has been in existence for more than 10 years.’.

(4) This section—

(a) applies whether the private tenancy was granted before or after the date on which this section comes into operation; but

(b) does not apply in relation to a notice to quit given before that date.” — *[The Minister for Social Development (Mr Attwood).]*

No 4: After clause 4, insert the following new clause:

“Disclosure of information

4A. After Article 64 of the Private Tenancies Order insert—

‘Disclosure of information for purposes of Parts 2 to 4

64A.—(1) This Article applies to any relevant information which is held—

(a) by the Department of Finance and Personnel for the purposes of—

(i) its functions under the Rates (Northern Ireland) Order 1977 or the Rates (Capital Values, etc.) (Northern Ireland) Order 2006; or

(ii) the administration of housing benefit; or

(b) by the Northern Ireland Housing Executive for the purposes of the administration of housing benefit.

(2) Relevant information to which this Article applies must, if an authorised officer of the appropriate council so requires, be supplied to that council for the purpose of enabling or assisting that council to exercise its functions under any provision of Part 2, 3 or 4.

(3) Any requirement under paragraph (2) must specify—

(a) the description of relevant information which is to be supplied;

(b) the form in which that information is to be supplied; and

(c) the date by which that information is to be supplied.

(4) This Article—

(a) does not limit the circumstances in which information may be supplied apart from this Article; but

(b) has effect despite any restriction on the purposes for which relevant information may be disclosed or used.

(5) In this Article—

“authorised officer”, in relation to a council, means an officer of the council authorised for the purposes of this Article by the council;

“housing benefit” means housing benefit provided by virtue of a scheme under section 122 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“relevant information” means information as to—

(a) the location, age, size or description of a dwelling-house let under a private tenancy;

(b) the name and address of the landlord or tenant of such a dwelling-house or of any person acting as an agent of the landlord.

Unauthorised disclosure of information

64B.—(1) An employee of a council commits an offence if he discloses without lawful authority any information—

(a) which he acquired in the course of his employment;

(b) which is, or is derived from, information supplied to the council under Article 64A; and

(c) which relates to a particular dwelling-house or person.

(2) It is not an offence under this Article to disclose information which has previously been disclosed to the public with lawful authority.

(3) It is a defence for a person charged with an offence under this Article to show that at the time of the alleged offence—

(a) he believed that he was making the disclosure in question with lawful authority and had no reasonable cause to believe otherwise; or

(b) he believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.

(4) A person who is guilty of an offence under this Article shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(5) For the purposes of this Article a disclosure of information is to be regarded as made with lawful authority if, and only if, it is made—

(a) in accordance with his official duty by an employee of the council;

(b) in accordance with any statutory provision or order of a court;

(c) for the purposes of any criminal proceedings; or

(d) with the consent of the person to whom the information relates.” — [The Minister for Social Development (Mr Attwood).]

No 5: In clause 5, page 4, leave out lines 18 and 19 and insert

“the information to be provided for the purposes of registration;”. — [The Minister for Social Development (Mr Attwood).]

No 6: In clause 5, page 4, line 31, leave out

“in connection with an application for”

and insert “for the purposes of”. — [The Minister for Social Development (Mr Attwood).]

No 7: In clause 5, page 4, line 42, at end insert

“(7) If on an application made to it by a district council, the county court is satisfied that—

(a) a person has been convicted of an offence under paragraph (4)(b), and

(b) that person is continuing after that conviction to contravene paragraph (4)(b),

the court may make an order requiring that person to register under this Article within such period (not being less than 28 days from the date of the order) as the court may specify.” — [The Minister for Social Development (Mr Attwood).]

No 8: In clause 7, page 6, line 13, at end insert

“(4) The Department must lay before the Assembly—

(a) a draft of regulations under Article 5A, and

(b) a draft of regulations under Article 65A, not later than 18 months after the date on which the Housing (Amendment) Act (Northern Ireland) 2011 receives Royal Assent”. — [The Minister for Social Development (Mr Attwood).]

No 9: After clause 8, insert the following new clause:

“Houses in multiple occupation: increase in fine for failure to register

8A.—(1) In Article 75L of the Housing (Northern Ireland) Order 1992 (offences in connection with registration scheme for houses in multiple occupation) after paragraph (1) insert—

‘(1A) A person who commits an offence under this Article consisting of a contravention of a provision included in a registration scheme by virtue of Article 75C(1) is liable on summary conviction to a fine not exceeding £20,000.’

(2) Subsection (1) does not apply in relation to an offence committed before the date on which this section comes into operation.” — [The Minister for Social Development (Mr Attwood).]

No 23: In clause 15, page 10, line 25, at beginning insert

“Except as provided by subsection (1A),” — [The Minister for Social Development (Mr Attwood).]

No 24: In clause 15, page 10, line 26, at end insert

“(1A) Sections 2, 5 and 7 come into operation on Royal Assent.” — [The Minister for Social Development (Mr Attwood).]

The Minister for Social Development: Before I deal with the 11 amendments in the group, it might be useful to scope out the background in the private rented sector that has given rise to the Bill, and which, undoubtedly, will give rise to further Bills in the next mandate.

In 1991, the private rented sector in Northern Ireland comprised 30,000 properties. It has over four times that number now. As of 2009, there were 125,000 properties in the private rented sector. That is not far short of 20% of the accommodation that is available to people in the North. In that regard, there have been significant reductions in the levels of unfitness around the private rented sector. It is not as low as it is in the public sector, but the latest figures suggest that unfitness levels have declined by 75%, or thereabouts, since 2001 and now lie at around 2·2%. As a consequence, although there have been improvements in standards and given the scale and character of the private rented sector, it is entirely appropriate that, after consultation, my predecessor moved in the direction of new law. I have no doubt that any future Social Development Minister will move in that direction as well.

There are two reasons why we have three groups of amendments, totalling 25 amendments, before the House. The first reason is that the Department, the Committee and others took on board some of the comments that were made during the consultation a number of months ago, because a range of Members from a number of parties made comments about whether there were further opportunities to add to the content of the Bill, drive standards and improve protections. I, as Minister, took those comments on board and worked with my officials and others to bring about a number of material amendments, as well as a number of consequential and technical amendments.

The second reason why there are 25 amendments is that when the Bill was introduced in the Assembly, there was a heavy legislative timetable that included weighty issues, such as the

Justice Bill, which was going to be a platform Bill from the Justice Minister in his first period of office, and an even more substantial piece of legislation for local government reorganisation. That and other issues meant that Assembly time for other legislation was at a premium and, obviously, there were particular heavy and significant pressures on the legislative draftsmen's resources.

Consequently, given that background and to try to ensure that the Bill would be progressed during the Assembly's current mandate, we took the opportunity to create higher standards and protections. I decided to proceed, previously, with the most urgent and necessary provisions. That meant that the first version of the Bill did not include a number of topics that were covered in the consultation paper on future housing legislation that was published in December 2009. When, however, it became clear that a number of Bills were no longer going ahead, I was presented with an opportunity to revise my original assessment and to include a wider range of issues in the Bill that is before the House. With the Social Development Committee's support, I identified a number of amendments that will have a positive impact without, I hope, delaying the progress of the Bill.

All the Government amendments were discussed in some detail during the Social Development Committee's clause-by-clause scrutiny. I am pleased that the Committee was able to reach consensus on the amendments, and I thank its Chairperson and members for their constructive scrutiny of the Bill. As I said to the Committee last Thursday — I want to put on record today — in my short time as Minister, I have appreciated the working relationship with the Committee. When I became Minister, I made it clear that I would welcome any and all opportunities to go before the Committee. I continue to hold that view. Although we have not agreed at all times, I think that the Social Development Committee is one of the Committees that best demonstrates, within this mandate, that it fulfils its responsibilities of oversight and accountability in a way that is demanding on the Minister and the Department, but necessary and proportionate, given the needs and requirements of people in Northern Ireland.

1.00 pm

The first group of amendments deals with regulation of the private rented sector, including

houses in multiple occupation (HMOs). Amendment Nos 1 and 2 will amend clause 2 to provide that the definitions of “money”, “tenancy deposit” and “landlord” in the new article 5A to be inserted in the Private Tenancies (Northern Ireland) Order 2006 also apply to references in new article 5B. The new articles 5A and 5B both deal with tenancy deposits, and the same definition should apply to both. The amendments are consequently more technical and for consistency.

Amendment No 3 will insert a new clause to extend the notice-to-quit period for tenancies in the private rented sector. That is a matter that has been informed by previous debate and conversation. Lack of security of tenure can be a problem for tenants in the private rented sector, and, under the existing legislation, a landlord is required to give a tenant only four weeks’ written notice to quit. The amendment will offer increased protection to long-term tenants: those whose tenancies have lasted longer than five years will be given eight weeks’ written notice to quit, and those whose tenancies have lasted longer than 10 years will be given 12 weeks’ written notice.

Amendment No 4 will also insert a new clause placing a duty on the Housing Executive and the Department of Finance and Personnel to share information on housing benefit and rates, where that is necessary to support the enforcement of private rented sector legislation. Lack of information on the identity and location of private landlords currently makes compliance and enforcement activity difficult for councils. Although landlord registration is part of the solution, access to existing tenancy-related information held within government could significantly assist that. Amendment No 4 joins up government, enables disclosure where appropriate and is an intervention against landlords who are on the wrong side of the law.

Amendment Nos 5 and 6 are technical amendments that will amend clause 5 to remove references to applications to register under the landlord registration scheme. The scheme will in fact be mandatory, so any reference to landlords applying that hints at a voluntary approach could be misleading.

Amendment No 7 will amend clause 5 to allow councils to take a landlord to the civil court seeking an order for the landlord to become registered. The amendment will ensure that

landlords who continue to flout the requirement to register despite successful prosecution in the criminal courts can be compelled to become registered through the civil courts.

Amendment No 8 will amend clause 7 to require that draft regulations relating to tenancy deposit schemes and the registration of private sector landlords be laid not later than 18 months after the Bill receives Royal Assent. The amendment is designed to address the Committee for Social Development’s concern that the schemes should be introduced within a reasonable timescale. I agree with the Committee’s view that the timescale initially may have been on the long side. The amendment will reduce it somewhat and, as I will indicate later, I anticipate, subject to the view of a future Minister, that regulations in that regard might be tabled long before the time limit of 18 months kicks in. The clause will also ensure that regulations containing the detail of landlord registration and tenancy deposit schemes will be subject to the affirmative procedure and will therefore be scrutinised and debated by the Assembly.

Amendment No 9 will increase the maximum fines for non-compliance with a scheme for registration of HMOs. The current maximum fine stands at £2,500, and, given that the landlord of a HMO could reasonably expect to earn that amount in a couple of months, it is no longer considered a proportionate or effective deterrent. Increasing the maximum fine to £20,000 will provide landlords with a much greater incentive to comply with HMO registration.

Amendment Nos 23 and 24 will amend clause 15 to provide that clauses 2, 5 and 7 come into operation on Royal Assent. Members will recall that those clauses relate to schemes dealing with tenancy deposits and the registration of private sector landlords. The requirement to lay draft regulations for those schemes not later than 18 months after the Bill receives Royal Assent makes it necessary to bring the relevant provisions of the Bill into operation as soon as possible when the Bill becomes law.

During scrutiny of the Bill, the Committee raised concerns about the level of fines for failure to register as a landlord and about the difficulties experienced by councils in recovering the costs of associated court action against non-compliant landlords. Therefore, I made

a commitment to carry out a review of the effectiveness of the fines and penalties in this part of the Bill when the new schemes have been in operation for 18 months.

The Bill introduces fixed penalties for those issues and responsibilities for the first time. The Department of Justice was not minded to go beyond the £500 threshold outlined in the Bill. However, I want to make it clear that that is the highest threshold for a fixed penalty in any area of law in Northern Ireland. Therefore, although the £500 threshold might not meet with the approval of all, it is nonetheless higher than any threshold for any fixed penalty in any legislation in Northern Ireland. Given that a landlord might be minded to take his chances before a court if the fixed penalty were higher than £500, I felt that, in this instance, the middle ground of £500 was an appropriate initial start, subject to review, to ensure that the proposal operates.

The Chairperson of the Committee for Social Development (Mr Hamilton): Before addressing the amendments in this group, I want to make some general remarks as Chairperson of the Committee. The Committee for Social Development carefully and seriously considered the Housing (Amendment) (No. 2) Bill. Members undertook a longer than expected Committee Stage, reflecting the careful scrutiny of the Bill and the pressure of the Committee's extensive legislative programme.

I thank members of the Committee for their contributions to Committee Stage and to the content of the Bill report. I also thank the witnesses for their useful written and oral submissions and the departmental officials who, as usual, provided a fast turnaround on some of our many and detailed queries during evidence sessions. Finally, I thank the Social Development Committee staff, who facilitated formal evidence-taking, clause-by-clause scrutiny of the Bill and the production of what is now the Committee's sixth Bill report of this mandate.

The Committee considered quite a lot of legislation in this mandate, much of it related to tenancy and housing. As the Committee's expertise has grown, members have made an increasingly cogent and helpful contribution to the development of legislation. That has particularly been the case with the Housing (Amendment) (No. 2) Bill. In Committee, members suggested a large number of changes, many of which are before the Assembly as

ministerial amendments and insertions. The Committee welcomes all the amendments that will be debated today. However, before I turn to the first group of amendments, I want to put on record some other matters that were discussed at Committee Stage.

The Committee took some well-thought-out evidence from NILGA. It highlighted the problems that councils face in enforcing tenancy legislation. Councils often have to pursue what might be termed as bad landlords through the courts at considerable expense, only to see a small number of repeat offenders receive nominal fines that do not act as a deterrent. The Committee noted that evidence and NILGA's request for amendments to allow for additional resources for councils.

The Committee accepted departmental assurances on a review of the cost of health and safety reports for tenancies, future legislation relating to new fitness standards for private tenures and a review of the effectiveness of the fines and penalties introduced by the Bill and their impact on councils' ability to enforce tenancy legislation effectively. Although that last point was of particular concern to the Committee, I ask the Minister in his response to the debate to reiterate all those important assurances.

The Bill contains provisions on the removal of a legal anomaly relating to ineligible homeless people. Although the Committee accepted that part of the Bill, some members expressed concerns, especially on its impact on homeless people with fluctuating mental illness and on homeless migrants. Again, I ask the Minister to reassure the Assembly on the robust referral mechanism for homeless people generally and for so-called ineligible homeless people in particular.

The Committee welcomed the provisions on councils' promotion of energy efficiency. It noted NILGA's concerns that councils might not have appropriate vires to undertake that work effectively. The Committee agreed that it would not table amendments to clause 13 on the understanding that the Department would thoroughly consult councils and ensure that the appropriate vires for the promotion of energy efficiency were in place. Again, I ask the Minister to reiterate that assurance in his response.

On clause 2, the Committee noted the findings of a recent Housing Executive report, which suggested that up to 28% of deposits were not returned at all or were not returned in full by private landlords to their tenants. The Committee therefore welcomed the introduction of a statutory tenancy deposit scheme, as set out in clause 2.

The Committee noted and agreed to support amendment Nos 1 and 2, which are described as technical amendments to clause 2. The Committee also accepted departmental assurances that it will introduce legislation that will allow tenants to receive their deposits automatically when a landlord breaches tenancy legislation.

I will now address amendment No 3 and the proposed new clause on length of notice to quit. During the pre-legislative consultation on the Bill, the Committee noted feedback from stakeholders on the notice-to-quit period for certain private tenancies. Stakeholders had expressed support for an extension of the notice-to-quit period for longer-term private tenancies. At the Committee's request, the Minister tabled a new clause, which will increase the notice-to-quit period for private rented tenancies from four weeks to eight weeks for tenancies of between five and 10 years and from four weeks to 12 weeks for tenancies of more than 10 years. The Committee felt that that was a welcome measure that provided appropriate improvement in tenure security for long-term private tenants. The Committee therefore supports amendment No 3.

The Committee considered evidence from NILGA and the Landlords Association of Northern Ireland (LANI), which supported the principle of greater information-sharing among statutory agencies to improve the enforcement of tenancy legislation. The Committee therefore agreed to support amendment No 4. That will bring about the insertion of a new clause, which will require the Housing Executive and Land and Property Services to share housing benefit and domestic rates information with councils. The Committee felt that that insertion would provide an important mechanism to support better enforcement of tenancy legislation by councils.

The Committee welcomed the provisions relating to the compulsory registration of private landlords, as set out in clause 5. The Committee noted and agreed to support

amendment Nos 5 and 6, which, again, are described as technical amendments to clause 5. As I said, during its consideration of this part of the Bill, Members discussed at length the effectiveness of deterrents for breaches of tenancy legislation. Members agreed to support amendment No 7, which will allow councils to apply to the courts to require an unregistered landlord to register within 28 days. Members felt that that measure was appropriate and would help councils deal with landlords who persistently breach the provisions of clause 5.

Before I move on, I refer again to the private landlord register. The Committee noted the concerns of organisations such as LANI, which sought to protect privacy and maintain the security of its members. LANI argued that certain information on landlords should not be included in the register or put into the public domain as it would be of little public benefit.

The Committee also considered with interest a suggestion from Disability Action that the register should include details on whether tenancies had disabled access or were constructed to the lifetime homes standard. The Committee accepted departmental assurances that the format and the content of the landlord register and the degree to which it would be in the public domain would be subject to regulations that the Assembly would scrutinise.

The Committee also noted departmental assurances that regulations were expected to require managers, owner/managers and managing agents of properties to be registered and that every effort would be made to include all relevant and useful information in the landlord register. It is hoped that that will include disabled access information.

The Committee also accepted departmental assurances that regulations would set out which authority was to manage the landlord register and therefore agreed that it would not table amendments that would specify that or other operational details. It is requested that assurances on those key issues be given by the Minister in his response.

On clause 7, as I indicated, the Committee welcomed the introduction of a landlord registration scheme and a tenancy deposit scheme. The Committee suggested that an amendment be tabled that would make the establishment of those a duty, not just a power. The Committee also suggested that the Bill

specify a timescale for the introduction of related regulations. The Department accepted the Committee's suggestions, and the Minister tabled amendment Nos 8, 23 and 24, which will bring the register and deposit schemes into effect within 18 months of the Bill receiving Royal Assent.

1.15 pm

During its consideration of the Bill, the Committee noted feedback from stakeholders on the level of fines associated with the failure to register houses in multiple occupation. As I indicated, Committee members wanted to be sure that the few persistently bad landlords would be deterred from flouting tenancy legislation and hoped that stiffer penalties would encourage compliance with, for example, the registration of houses in multiple occupation. At the Committee's request, amendment No 9 was tabled, to insert a new clause to increase the maximum fines associated with the failure to register an HMO to £20,000 for each property. I must emphasise that £20,000 is a maximum, and it is the Committee's understanding that the courts will exercise discretion and could apply a much smaller fine if it is deemed appropriate. That point exercised the Committee greatly. As the Minister discussed at some length at the end of his contribution, during the next mandate Members will review with interest the fines that are actually applied and the deterrent impact that those fines have on bad practices in the private rented sector.

In conclusion, I very much welcome all the amendments in group 1. Much focus will be placed on the landlord registration scheme. It is positive that we have made progress and that we will, hopefully, pass legislation to enable that scheme to be created in fairly short order. Although we can all pinpoint examples of bad practice by private landlords in our constituencies — some can point to much worse practice and many more examples than others — it is worth pointing out that there are very many landlords in Northern Ireland who provide good accommodation to good tenants. I am sure that other Members who contribute to the debate will also make that point. We should also note that private landlords are a key element in housing provision in Northern Ireland. The number of privately owned housing dwellings is now in excess of those owned

by the Housing Executive, and without private landlords we would be unable to cope.

Through the Bill, we will hopefully bring in a light-touch mandatory scheme that will give everyone the freedom of information that they require to make judgements about who owns properties and to get in touch with those people and monitor those properties. It will be particularly useful to those in enforcement because they will know who owns the properties and which owners are not complying with the relevant legislation. In its evidence to the Committee, LANI made the point that the inclusion of personal information or contact details, although interesting, may not be entirely in the public interest and could dissuade casual private landlords or those who have become private landlords by accident from remaining in the sector. I also made that point, the Committee dwelled on it, and I was subsequently lobbied by landlords about it. However, with that and the points that I made as the Chairperson of the Committee in mind, I very much welcome the amendments in group 1, and I encourage Members to support them.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. The Minister and the Chairperson of the Committee covered the amendments in group 1 in great detail. I thank the Committee staff, who worked diligently to ensure that the Committee got through its clause-by-clause scrutiny of the Bill and the other details associated with it.

The Bill is to be welcomed. As the Minister said, in 1991 there were approximately 30,000 properties in the private rented sector and by 2009 that number had increased to 125,000. The reality is that approximately 70% of social housing is now provided by the private rented sector, which receives approximately £90 million a year in housing benefit. Therefore, the Bill is timely.

I point out initially, reiterating what the Chairperson of the Committee said, that there are many good, compliant landlords who treat their tenants with dignity and in the way in which they should be treated. Obviously, like any other sector, there are landlords who probably do not. The deposit scheme was raised and, as the Chairperson said, NILGA gave the Committee a presentation. There was some trepidation in councils that there would be added costs and

that the burden would fall on them. However, they have been reassured on that.

I welcome the other amendments. The issue about the length of tenancy and giving proper notice has been dealt with. A £20,000 fine has been mentioned for failure to comply and register houses in multiple occupation. That may seem excessive, but, as the Chairperson pointed out, the courts have discretion in those matters. The idea is to ensure that enforcement is carried out and that landlords comply.

I welcome the issue that Disability Action has taken up with regard to registration and information. The clause that deals with the provision and interchange of information is welcome. There are many people with mental health problems, and, because they appear to be guilty of antisocial behaviour, their situation is not always taken into account. Obviously, that will be dealt with in more detail in the clause that deals with antisocial behaviour. Landlords and people in the neighbourhood in which they live are not always aware of the situation, and that should be addressed.

I welcome the amendments and the addition of new clauses. I concur with what the Minister and the Chairperson said. I was getting worried because the Minister may be guilty of overkill in his praise for the Committee. I am sure that he has not gone out with the warm glow that he might expect to get if he was given the easy ride that he appears to have been given. Perhaps we should start to reconsider our approach, but that is a personal observation.

There has been consensus in the Committee about important issues in the legislation. It has been long awaited and is much needed.

Mr McCallister: I join in the warm glow to the Minister. The legislation is welcome and featured heavily in my brief time on the Committee. I know that a lot of work was done before I joined the Committee. I concur with the remarks made by the Chairperson, Mr Brady and the Minister. It was a good example of Committee Stage, where amendments were suggested and the Committee worked with departmental officials to improve and shape the Bill, particularly around difficult issues concerning registration, bearing in mind the rise in numbers, to which the Minister referred in his opening remarks. I welcome and support the amendments because they will improve the Bill.

Mrs M Bradley: I also welcome the Bill and the Minister's amendments. It will be a welcome improvement for everybody, tenants and landlords alike. It will allow for a lot of joined-up working between the Department of Finance and Personnel and the Housing Executive in supporting the enforcement of the private rented sector, which needed these welcome changes. I thank the staff who came to the Committee tirelessly, who suffered us and were patient with us. Also, I want to thank all the Committee members for the work that they put into it. I welcome the Bill, thank the Minister for introducing it and support the amendments.

Ms Lo: I support the Bill and this group of amendments. I echo other Members' thanks to the Committee staff and to all the stakeholders who came to give evidence to the Committee.

As other Members said, the privately rented sector is now very big and receives a large number of housing benefit grants. Given that people are having difficulty getting mortgages to buy houses during the recession, the trend towards growth in that sector is set. Also, the Housing Executive plans to build only 4,000 new social housing homes over the next four years, so waiting lists could increase, and people who do not get housing association homes may have to rent through the private sector.

I particularly welcome the Bill's landlord registration and tenant deposit schemes. The public have been calling for both schemes for a long time. I am delighted that, in this mandate, we will pass the Bill that makes those schemes a reality. In my constituency of South Belfast, I have dealt with disputes involving, for example, tenant deposit schemes. A student may dispute the return of a deposit with a landlord, who, if he or she knows that the student has to return overseas or leave the area, may use delaying tactics. The student may not be able to wait and may be forced to settle quickly for a hefty deduction from his or her deposit.

I would like to comment on amendment No 3 in particular. That measure is very welcome. I have had experience of families being given only four weeks to leave their home. The difficulties of having to find another home, pack up clothes and find schools for their children, if they are moving out of the area, are enormous. That scaling-up gives tenants longer to prepare themselves and is a welcome aspect of the Bill.

I also welcome amendment No 4, which provides for increased disclosure and sharing of information between DFP, housing associations and councils. That makes for more effective working by everyone.

Amendment No 7 gives some teeth to the registration scheme by enabling a court to make an order to force the landlord to register within 28 days. That is very useful, because reluctant landlords will be forced to speed up their registration.

1.30 pm

Again, amendment No 9 is very welcome. As the Minister said, a £2,500 fine for house in multiple occupation (HMO) landlords is not a deterrent, given that such landlords can make that amount in rent in less than a month. Increasing the fine to £20,000 would be a more meaningful way to make the law effective.

Mr Easton: I will speak to the group 1 amendments, which deal with private tenancies. I am content with amendment Nos 1 and 2, as well as with amendment No 3, which will insert a new clause after clause 2 that will refer to the length of notice to quit. If somebody has held a tenancy for a long time, for example, more than five years, and has made the home their own, they should be granted more time to leave. The amendment also clarifies the length of notice to quit that either the tenant or the landlord is required to give.

I am happy to support amendment No 4, which relates to the disclosure of information. The Committee considered evidence from the Northern Ireland Local Government Association (NILGA) and the Landlords Association of Northern Ireland (LANI) that supported the principle of greater information sharing between statutory agencies so that the enforcement of tenancy legislation would be improved. The Committee agreed to support the inclusion of a new clause that would require the Housing Executive and Land and Property Services respectively to share housing benefit and domestic rates information with district councils to facilitate the better enforcement of tenancy legislation.

I am content with amendment Nos 5, 6 and 7, which deal with the registration of landlords and enforcement. The Committee considered at length the provisions that relate to the compulsory registration of private landlords.

It also considered revisions to the structure of fines, as well as possible mechanisms that could allow district councils to recover court costs associated with prosecutions related to the failure of private landlords to register. Members were particularly concerned that fines should act as a deterrent to bad landlord practice and that councils should be able to recover the full costs of what can often be lengthy court proceedings. Following advice, the Committee accepted departmental explanations that alterations to the level of fines or to the processes by which court costs might be recovered would require a wide-ranging review of penalties and related measures. The Committee agreed to accept departmental assurances that the fines and penalties structures that are associated with tenancy legislation will be subject to a formal review within 18 months of Royal Assent being granted to the Bill. Therefore, I also support amendment No 8.

The Committee noted the concerns of organisations such as LANI, which sought to protect the privacy and to maintain the security of its members. LANI argued that certain information on landlords should not be included in the register or put into the public domain, as that would be of little benefit.

The Committee also noted suggestions that other stakeholders made that said that, in addition to landlords, the register should identify managers, owners/managers and managing agents. It considered with interest suggestions from Disability Action that the register should include details of whether tenancies had disabled access or were constructed to the lifetime homes standard.

The Committee accepted departmental assurances that the format and content of the register and the degree to which it would be in the public domain would be the subject of regulations that the Assembly would be able to scrutinise. Committee members also noted departmental assurances that regulations were expected to require managers, owners/managers and managing agents to be registered and that every effort would be made to include all relevant and useful information on the register.

The Committee agreed, therefore, that it did not support a number of proposed amendments that would have stipulated the information that is to be recorded in the register and the degree

to which it would be in the public domain. It also accepted departmental assurances that regulations would set out which authority is to manage the register. It therefore agreed that it would not support amendments that would specify that or other operational details.

The Committee noted that the Bill will put in place a dispute resolution mechanism associated with the tenancy deposit schemes. Committee members agreed, therefore, that they would not support a proposed amendment that would link the register to a full dispute resolution mechanism.

The Committee noted that the Department is consulting on a revised fitness standard for private housing and that it expects to bring forward in the next mandate legislation that is related to that.

The Committee, therefore, agreed that it would not support a proposed amendment to link the register to a housing fitness standard. The Committee noted evidence that the district councils currently provide advice and training for private landlords. Therefore, the Committee agreed that it would not support a proposed amendment to require councils to provide training and advice for landlords as part of the registration process.

The Committee expressed its general support for the development of a register for private landlords and, therefore, agreed that it would not support a proposed amendment that would lead to the removal of the landlord register from the Bill or the registration costs for landlords. The Committee suggested that the Department should amend the Bill to ensure that the establishment of a landlords' register is a duty and not just a power. The Committee also suggested that the Bill should set out a timescale for bringing forward regulations relating to the registration of landlords.

The Department accepted the Committee's suggestion that it table related amendments to clause 7. The Committee considered a technical departmental amendment, which is designed to ensure that landlords' registration will be compulsory. I fully support amendment No 9, which raises the penalty for failure to register as a house in multiple occupation. I am also happy to support amendment Nos 23 and 24, which are related to aforementioned amendments and are purely technical.

Mr S Anderson: I wish to speak briefly on the first group of amendments, which deal with private tenancies. This is an important Bill, and I am encouraged by what it will achieve. The amendments in the first group have all been tabled by the Minister, and I congratulate him for that. Most of the amendments are the result of recommendations that have emerged from detailed scrutiny, discussions and consultations with the Committee. Several amendments are substantive, in that they are new clauses. I appreciate the fact that the Minister has taken note of previous debates and discussions and has acted accordingly.

I am happy to support the amendments in the first group that relate to private tenancies. Since some of the amendments touch on the powers and responsibilities of councils, I must declare an interest as a member of Craigavon Borough Council. The private rented sector is a growth area, and it is important that we do what we can to ensure the proper balance between the rights and privileges of landlords on the one hand and the rights and privileges of tenants on the other. There are many good landlords, but, as many Members know, maybe from personal experience, there are also unscrupulous ones. It is sensible and proper to increase significantly the length of notice-to-quit periods. The new clause introduced by amendment No 3 will do just that. I welcome the doubling of the notice-to-quit period for shorter-term tenancies from four weeks to eight weeks, and the trebling, from four weeks to 12 weeks, of the notice-to-quit period for longer-established tenancies of a decade or more.

One category of people who are famous, or perhaps infamous, are those who are known as absentee landlords. I am glad that we are amending clause 5 to ensure that landlord registration is compulsory. I also welcome the fact that district councils will be able to apply to the courts to require an unregistered landlord to register within 28 days. The Committee was concerned that there should be a clear time frame for the introduction of the scheme, and I am glad that, by virtue of amendment No 8, regulations in this area will be made within 18 months of the Bill's becoming law. I support the amendments in the first group.

The Minister for Social Development: I thank all the Members who spoke for their various contributions. I also acknowledge all those people at Committee and departmental level

who assisted in drafting and tabling such a large number of amendments. There are sometimes tensions in the air at the Department for Social Development, when I feel that officials do not always fully acknowledge the democratic interest. A few officials, on one or two occasions, have not appreciated the democratic interest. However, as these amendments demonstrate, when officials work with the political interest, be it on the ministerial or the Committee side, legislation can be upgraded in a significant way to protect all those people who may be covered by the Bill.

As Mr Brady said, a substantial number of people are covered by the Bill. There are 125,000 people in private rented accommodation, of which 60%, in one way or another, are on housing benefit. Consequently, it is particularly important to have better and greater regulation of the private rented sector in the interests of all tenants but, crucially, in the interests of those who come from a welfare or low-income background. Mrs Lo made that point as well and indicated clearly that, as we face into the next five years, the current draft Budget will not enable us to build the number of houses necessary to satisfy demand, never mind deal with housing stress.

There may be a heavier reliance on the private rented sector. It is better that we try to increase regulation of the private rented sector to mitigate the risks that might arise when a small number of unscrupulous landlords do not live up to the necessary standards. I want to stress Mr Brady's point that there are many good landlords out there. I lived in private rented accommodation for 11 of the past 33 years, and I had five different landlords. One of those landlords did not live up to the necessary standards, way back in 1978-79 when I was at college. I do not think that the Chairperson of the Committee was even born then.

The Chairperson of the Committee for Social Development: Barely.

The Minister for Social Development: That is reassuring for someone in my age group.

There are very good landlords, and, occasionally, there are not such good landlords. This Bill, like much legislation, can be used as a sword where necessary and as a shield to protect good tenants and good landlords.

I will deal with a number of the points that were raised and the reassurances that were sought by the Committee. I am pleased to give reassurances about the second and third groups of amendments, either in this speech or subsequent speeches. First, I will deal with the issue of fitness standards that was raised by a number of Members. It is important that, in focusing on the new provisions, we do not lose sight of the ongoing work to review the physical fitness standard in the private rented sector.

As signalled in 'Building Sound Foundations', which is the strategy that informs this legislation and may inform subsequent legislation, work to identify and examine necessary changes to the current statutory standard for private rented homes is under way. That includes exploring the arrangements needed to measure and enforce compliance as well as to clearly determine and appreciate the cost implications of any change. Inevitably, any change will require new legislation, and that will be brought forward as part of the new Assembly's programme.

As I indicated, work is under way in respect of fitness standards. There has already been significant consultation with stakeholders. Proposals, especially on the health and safety side, as well as the impact that any such proposals may have on other tenures, are being considered. Indeed, I am advised that new provisions in respect of possible proposals are already being drafted. They concentrate on what one would think that they should concentrate on: issues around energy efficiency, thermal efficiency, the risk of carbon monoxide in various properties etc. Therefore, this is work in progress that is well advanced. Any future Minister might, at an early stage, have the opportunity to bring forward proposals in that regard.

I am pleased to reassure the Chairperson of the Committee and Alex Easton in respect of the review of fines. In my opening speech on the group 1 amendments, I indicated that that matter will be attended to after 18 months. I also give the reassurance that was sought in respect of the information that might be required in a tenancy registration scheme. It so happened that, on two occasions this morning, I spoke to officials about that particular work — the information that will be required to be registered in respect of any one or other particular tenancy. That issue arose this morning because, in advance of a question

that may come up at Question Time later this afternoon, I was anxious to determine whether there is a mechanism to record rental levels as part of the registration scheme in order to potentially monitor rental levels going forward, not least in the context that Mrs Lo outlined.

Clearly, there is already a provision to monitor some rental levels through housing benefit, which is paid to 60% of people living in private rental accommodation, although top-ups might be required in some of those cases. Nonetheless, is there capacity to record and monitor levels through tenancy registration?

1.45 pm

I reassure the House that once the Bill receives Royal Assent, the comprehensive package of private rented sector issues will require further regulations to complete implementation of the Department's strategy for that sector. The regulations include those prescribing the detail of the mandatory landlord registration scheme, such as the detail provided by landlords and their agents, frequency of registration, management arrangements and fees payable. Similar regulations will be required for tenancy deposit schemes, and some additional provisions will be needed to ensure that tenants can recoup their deposit where the landlord is found to be in breach of the law.

As I mentioned in my opening speech, those regulations will be subject to draft affirmative procedure and will be debated in the Assembly. Officials are currently working on those regulations, on a number of related regulations on the information to be provided to tenants as part of their tenancy agreement and on some necessary amendments requiring private landlords, where necessary, to furnish local councils with additional specialist information to assist them in determining a property's fitness. As I have already indicated, I anticipate that those regulations, including those that touch on Members' concerns, will come before the Committee and the Assembly significantly in advance of the 18-month deadline.

I confirm that the registration scheme will be mandatory. As Mr Easton indicated, it is not just a power but a duty that will fall on all those who are subject to the scope of the Bill. I also confirm that the regulations will deal with not only landlords but managers and owner-managers in the terms outlined. In drafting the regulations, we will consider the issue of

disabled access, which two Members raised, and the rights of the disabled in any potential tenancies.

I reassure Mr Brady that I was not suggesting that I was given an easy ride by the Committee; quite the contrary. I thought that the Committee was proportionate in exercising its oversight of my accountability. I am not saying that because I am looking for any particular advantage. My time as Minister for Social Development is nearly over, so there is not much advantage to be gained. Rather, I am saying it because I believe very strongly in the need for Committees to robustly scrutinise Ministers' accountability. We saw some evidence of that last week in the response of one or two Committees to the Budget. When I sat on the Committee for Employment and Learning, the then Chairperson of the Committee, Sue Ramsey, confirmed that I was more than robust at times. I believe firmly that Committees need to be proportionately robust. I think that the Committee for Social Development set a template that other Committees might want to consider using in the next mandate.

Save for other matters that I shall refer to when I speak to the subsequent groups of amendments, I commend the Bill.

Question, That amendment No 1 be made, put and agreed to.

Amendment No 2 made: In page 2, line 13, after "Article" insert "and Article 5B". — [*The Minister for Social Development (Mr Attwood).*]

Clause 2, as amended, ordered to stand part of the Bill.

New Clause

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

"Length of notice to quit

2A.—(1) Article 14 of the Private Tenancies Order (length of notice to quit) is amended as follows.

(2) In paragraph (1) for '4 weeks' substitute 'the relevant period'.

(3) After that paragraph insert—

'(1A) For the purposes of paragraph (1) the relevant period is—

(a) 4 weeks, if the tenancy has not been in existence for more than 5 years;

(b) 8 weeks, if the tenancy has been in existence for more than 5 years but not for more than 10 years;

(c) 12 weeks, if the tenancy has been in existence for more than 10 years.’

(4) This section—

(a) applies whether the private tenancy was granted before or after the date on which this section comes into operation; but

(b) does not apply in relation to a notice to quit given before that date.” — [The Minister for Social Development (Mr Attwood).]

New clause ordered to stand part of the Bill.

Clauses 3 and 4 ordered to stand part of the Bill.

New Clause

Amendment No 4 made: After clause 4, insert the following new clause:

“Disclosure of information

4A. After Article 64 of the Private Tenancies Order insert—

‘Disclosure of information for purposes of Parts 2 to 4

64A.—(1) This Article applies to any relevant information which is held—

(a) by the Department of Finance and Personnel for the purposes of—

(i) its functions under the Rates (Northern Ireland) Order 1977 or the Rates (Capital Values, etc.) (Northern Ireland) Order 2006; or

(ii) the administration of housing benefit; or

(b) by the Northern Ireland Housing Executive for the purposes of the administration of housing benefit.

(2) Relevant information to which this Article applies must, if an authorised officer of the appropriate council so requires, be supplied to that council for the purpose of enabling or assisting that council to exercise its functions under any provision of Part 2, 3 or 4.

(3) Any requirement under paragraph (2) must specify—

(a) the description of relevant information which is to be supplied;

(b) the form in which that information is to be supplied; and

(c) the date by which that information is to be supplied.

(4) This Article—

(a) does not limit the circumstances in which information may be supplied apart from this Article; but

(b) has effect despite any restriction on the purposes for which relevant information may be disclosed or used.

(5) In this Article—

“authorised officer”, in relation to a council, means an officer of the council authorised for the purposes of this Article by the council;

“housing benefit” means housing benefit provided by virtue of a scheme under section 122 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“relevant information” means information as to—

(a) the location, age, size or description of a dwelling-house let under a private tenancy;

(b) the name and address of the landlord or tenant of such a dwelling-house or of any person acting as an agent of the landlord.

Unauthorised disclosure of information

64B.—(1) An employee of a council commits an offence if he discloses without lawful authority any information—

(a) which he acquired in the course of his employment;

(b) which is, or is derived from, information supplied to the council under Article 64A; and

(c) which relates to a particular dwelling-house or person.

(2) It is not an offence under this Article to disclose information which has previously been disclosed to the public with lawful authority.

(3) It is a defence for a person charged with an offence under this Article to show that at the time of the alleged offence—

(a) he believed that he was making the disclosure in question with lawful authority and had no reasonable cause to believe otherwise; or

(b) he believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.

(4) A person who is guilty of an offence under this Article shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(5) For the purposes of this Article a disclosure of information is to be regarded as made with lawful authority if, and only if, it is made—

(a) in accordance with his official duty by an employee of the council;

(b) in accordance with any statutory provision or order of a court;

(c) for the purposes of any criminal proceedings; or

(d) with the consent of the person to whom the information relates.” — [The Minister for Social Development (Mr Attwood).]

New clause ordered to stand part of the Bill.

Clause 5 (Registration of landlords)

Amendment No 5 made: In page 4, leave out lines 18 and 19 and insert

“the information to be provided for the purposes of registration;”. — [The Minister for Social Development (Mr Attwood).]

Amendment No 6 made: In page 4, line 31, leave out

“in connection with an application for”

and insert “for the purposes of”. — [The Minister for Social Development (Mr Attwood).]

Amendment No 7 made: In page 4, line 42, at end insert

“(7) If on an application made to it by a district council, the county court is satisfied that—

(a) a person has been convicted of an offence under paragraph (4)(b), and

(b) that person is continuing after that conviction to contravene paragraph (4)(b),

the court may make an order requiring that person to register under this Article within such period (not being less than 28 days from the date of the order) as the court may specify.” — [The Minister for Social Development (Mr Attwood).]

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 ordered to stand part of the Bill.

Clause 7 (Regulations)

Amendment No 8 made: In page 6, line 13, at end insert

“(4) The Department must lay before the Assembly—

(a) a draft of regulations under Article 5A, and

(b) a draft of regulations under Article 65A, not later than 18 months after the date on which the Housing (Amendment) Act (Northern Ireland) 2011 receives Royal Assent”. — [The Minister for Social Development (Mr Attwood).]

Clause 7, as amended, ordered to stand part of the Bill.

Clause 8 ordered to stand part of the Bill.

New Clause

Amendment No 9 made: After clause 8, insert the following new clause:

“Houses in multiple occupation: increase in fine for failure to register

8A.—(1) In Article 75L of the Housing (Northern Ireland) Order 1992 (offences in connection with registration scheme for houses in multiple occupation) after paragraph (1) insert—

“(1A) A person who commits an offence under this Article consisting of a contravention of a provision included in a registration scheme by virtue of Article 75C(1) is liable on summary conviction to a fine not exceeding £20,000.’

(2) Subsection (1) does not apply in relation to an offence committed before the date on which this section comes into operation.” — [The Minister for Social Development (Mr Attwood).]

New clause ordered to stand part of the Bill.

Clause 9 (Withholding of consent to mutual exchange of secure tenancies)

Mr Deputy Speaker: We now come to the second group of amendments, which is on antisocial behaviour. With amendment No 10, it will be convenient to debate amendment Nos 11 to 14. Members should note that amendment Nos 12 and 13 are consequential to amendment No 11.

The Minister for Social Development: I beg to move amendment No 10: In page 7, line 29, at end insert

“granted or sought on the grounds that the tenant—

(i) is engaging in, or threatening to engage in, conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality;

(ii) is using or threatening to use the premises for immoral or illegal purposes; or

(iii) is allowing, inciting or encouraging any other person to engage or threaten to engage in such conduct or use or threaten to use the premises for such purposes;”.

The following amendments stood on the Marshalled List:

No 11: In page 7, line 38, at end insert

“Ground 2B

The tenant or the proposed assignee or a person who is residing with either of them has been convicted of—

(a) an offence involving using the dwelling-house of which the tenant or the proposed assignee is the secure tenant, or allowing it to be used, for immoral or illegal purposes, or

(b) an indictable offence.” — [The Minister for Social Development (Mr Attwood).]

No 12: In clause 10, page 8, line 5, after “2A” insert “or 2B”. — [The Minister for Social Development (Mr Attwood).]

No 13: In clause 10, page 8, line 30, after “2A” insert “or 2B”. — [The Minister for Social Development (Mr Attwood).]

No 14: After clause 10, insert the following new clause:

“Possession orders: conduct causing nuisance or annoyance

10A. In Article 29 of the Housing (Northern Ireland) Order 1983 after paragraph (3) insert—

“(3ZA) The matters to be taken into account by the court in determining whether it is reasonable to make an order on ground 2(a) shall include—

(a) the effect that the nuisance or annoyance has had on persons other than the person against whom the order is sought;

(b) any continuing effect the nuisance or annoyance is likely to have on such persons;

(c) the effect that the nuisance or annoyance would be likely to have on such persons if the conduct is repeated;

(d) the circumstances of the tenant and the likely effect of a possession order on the tenant and any person residing with the tenant.” — [The Minister for Social Development (Mr Attwood).]

The Minister for Social Development: The second group of amendments deals with antisocial behaviour and community safety issues. It is in this group of amendments that the hand of Members can be seen, particularly arising from Second Stage some time ago.

Amendment No 10 would amend clause 9 to ensure that, where the Housing Executive or registered housing association withholds consent to a mutual exchange of secure tenancies on the basis that an injunction against breach of tenancy agreement is in force or pending, the injunction relates specifically to antisocial behaviour. Although the provision that allows landlords to withhold consent to tenancy exchanges is intended to prevent the spread of antisocial behaviour, it is recognised that not all breaches of tenancy agreements would necessarily involve that type of conduct.

Amendment No 11 would amend clause 9 to create a new ground for the Housing Executive or registered housing association to withhold consent to a mutual exchange of secure tenancies on the basis that the tenant, proposed assignee or a person residing with either, has been convicted of certain offences. That provision would help landlords to prevent the spread of antisocial behaviour.

Amendment No 12 would amend clause 10 to allow an appropriate person to disclose information about criminal convictions to the Housing Executive or registered housing association. That is to enable social landlords to take informed decisions on withholding consent to mutual exchanges of secure tenancies.

Amendment No 13 would amend clause 10 so that the definition of “relevant information” includes information about criminal convictions. That is essential to support the proposal to permit disclosure of such information.

Finally, amendment No 14 would insert a new clause to require the courts to take account of certain matters when considering whether to grant an order for possession on grounds relating to nuisance or annoyance. The consideration of certain matters would help the courts to come to a balanced, fair and consistent judgment. They could balance the interests of a tenant or a tenant's household with neighbours' interests, which might have given rise to the court action. That concludes the second group of government amendments.

The Chairperson of the Committee for Social Development: I will begin by addressing this group of amendments as Chairperson of the Committee. On clause 9, the Committee considered at length the provisions on antisocial behaviour and the exchange of secure social tenancies. Members felt that antisocial tenants were a blight on communities throughout Northern Ireland and that tenancy exchanges were an inappropriate mechanism for the resolution of antisocial behaviour issues. Members felt strongly that social landlords should be able to withhold consent to the exchange of secure tenancies on the basis of convictions for antisocial behaviour or serious criminal offences by tenants. At the Committee's request, the Minister tabled an amendment to that effect, which is amendment No 11.

The Committee noted that the Bill as drafted would allow consent to exchange a secure tenancy to be withheld where an injunction against a breach of tenancy agreement was in place. The Committee agreed that that should be amended so that the reference to injunctions should relate solely to antisocial behaviour, and that is amendment No 10 on the Marshalled List. Members felt strongly about antisocial behaviour issues and wanted to do something practical and proportionate to help communities blighted by a few antisocial tenants. For that reason, the Committee supports amendment Nos 10 and 11.

On clause 10, Committee members noted the concerns of stakeholders, such as the Housing Rights Service, about the provisions for the disclosure of information on antisocial behaviour. The Committee accepted departmental assurances that that information would be in the form of public domain information, such as injunctions and convictions, and that such information would conform to disclosure protocols. The Committee

also accepted departmental assurances that guidance would be issued to social landlords on the appropriate treatment of such information that may refer to individuals with mental health issues.

The Committee considered with interest proposals from the Landlords' Association of Northern Ireland (LANI) that information about antisocial behaviour should be shared with private sector landlords. The Department advised that, owing to data protection implications, the Bill could not be amended to include that provision. The Committee accepted the departmental undertaking that consideration may be given to the inclusion of such provisions in future legislation. Again, I ask the Minister to provide an assurance or clarification on that matter today.

2.00 pm

The Committee agreed to support amendment Nos 12 and 13, which are described as technical and are linked to amendment Nos 10 and 11. The new clause concerns possession orders and guidance to courts. The Committee noted departmental evidence that suggested that inconsistent decisions by the courts in respect of antisocial behaviour can lead to damage to public confidence. The Committee accepted the Department's suggestion that guidance should be developed for the courts such that, in reviewing possession orders, consideration would be given to the likely effect of a tenant's behaviour on his neighbours as well as the effect of the order on the tenant himself. The Committee felt that the amendment was a proportionate and constructive response to the challenge of antisocial behaviour.

Although the Committee supports amendment No 14, I expect that some Members may indicate that the response is insufficient and that perhaps more direction should be given to the courts in that regard. The Committee feels that the antisocial behaviour provisions in the Bill and the proposed amendments are fair and proportionate. The Committee hopes that they will provide some assistance to social landlords and some degree of joined-up government that will help to control the difficult issues associated with antisocial behaviour.

In conclusion, I echo the remarks of the Minister: the influence of the Committee comes through clearly in this group of amendments.

Some dissatisfaction, with which I concur, was expressed at Second Stage because, in the first Housing Bill that the Committee dealt with during this mandate, it was promised that there would be more on antisocial behaviour. I am afraid that members felt that what they saw in the Bill, as introduced, was not sufficient or strong enough to tackle antisocial behaviour. I do not think that there is a Member here who has not, on a constituency basis, dealt with issues pertaining to antisocial behaviour in the social rented sector. We all know about the issues. They are no more prevalent in the social rented sector than anywhere else, but we have all had to deal with those problems. We are all acutely aware of the issues, so we wanted to see more than what could fairly and accurately be described as the weak response in the Bill, as introduced.

The amendments certainly toughen up what was initially there, particularly in respect of the exchange of tenancies. Nobody will convince me that, given the way in which the system is concocted currently, some element of playing the system does not go on. Tenants who are antisocial or have a history of being antisocial but perhaps do not have any orders or injunctions against them could simply be moved around, and the problem, rather than being conclusively and adequately dealt with, is simply moved to another area or social landlord. That is no way to deal with the problem. It does not resolve it; it only moves it. Although some may have suffered in one area, others will suffer later.

The weakness in the Bill, as introduced, was that the exchange of tenancies could be withheld only in respect of relevant orders such as ASBOs. We all know that the shelf life of ASBOs may be limited, and their use has been fairly limited in Northern Ireland. The Housing Executive's statistics demonstrate that a mere handful of ASBOs have been issued against tenants. There are good reasons for that: they are costly and their effect has been called into question. Having narrow reasons such as ASBOs or injunctions as the cause for the withdrawal of an exchange of tenancies was very limiting and would not have adequately addressed the matter. It has been very much widened to include indictable offences and, curiously, threatening to use the premises for immoral or illegal purposes. It will be interesting to see how that works out in practice. However, what is there is much stronger than what was

there previously. Social tenants, in accepting exchanges, need to have that information. They will see clearly whether tenants have been charged or convicted in respect of any of these offences and whether it is appropriate to move them in. That is not to say that somebody who has a past does not have the opportunity to move into a social home; it is about being careful about that.

We do not want to move people with a history of a certain type of offence into an area that may be sensitive to that offence. We do not want to compound the situation for social landlords dealing with antisocial behaviour by moving a problem into that area. Put plainly and simply, the amendments would give a social landlord the opportunity to better manage the situation with the full knowledge and information before them, rather than getting a tenant and finding out later that there may be a problem. Social landlords have a duty to their tenants, and I think that the amendments would increase landlords' ability to exercise that duty in a way that respects all tenants. With that in mind, I support the group 2 amendments.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I support the group 2 amendments and the proposed new clause.

We all agreed that antisocial behaviour is a huge problem in all our communities. I know that all members agreed that the problem is ongoing and growing, particularly in housing. Committee members felt that tenancy exchanges were an inappropriate mechanism for the resolution of antisocial behaviour issues. Members felt that social landlords should be able to withhold consent to the exchange of secure tenancies for tenants convicted of antisocial behaviour or serious criminal offences. At the Committee's request, the Department tabled an amendment to that effect.

The Committee also felt that, as drafted, the Bill would allow consent to exchange to be withheld where an injunction against breach of a tenancy agreement was in place. The Committee accepted that that should be amended in such a way that the reference to injunction should relate solely to antisocial behaviour. It agreed to recommend to the Assembly that clause 9 be amended to that effect.

The Committee accepted departmental assurances that information on antisocial behaviour would be in the public domain in the

form of injunctions, convictions and suchlike. Stakeholders told us that the disclosure of antisocial behaviour information should be subject to protocols and be the preserve of prescribed officers of statutory organisations. That is understandable in the circumstances, and the Committee agreed not to pursue amendments that would impose new disclosure protocols.

The Committee also accepted the Department's assurances that guidance about the appropriate treatment of information on individuals with mental health issues will be issued to social landlords. As I mentioned, that was brought to the Committee's attention by Disability Action because of the number of people who are, unfortunately, affected by mental health problems.

The Committee considered, with interest, proposals from LANI that antisocial behaviour information should be shared with private sector landlords. The Department advised that, owing to data protection implications, the Bill could not be amended to include such a provision. The Committee accepted the Department's undertaking to consider including such provisions in future legislation.

The Committee noted departmental evidence which suggested that inconsistent decisions by the courts in respect of antisocial behaviour may damage public confidence. The Committee accepted the Department's suggestion that guidance should be developed for courts, so that, when reviewing possession orders, they consider the likely effect of a tenant's behaviour on his neighbours, as well as the effect of the possession order on the tenant.

To a degree, the group 2 amendments and the new clause deal with the ongoing and huge problem of antisocial behaviour. It is and will continue to be a difficult problem to resolve. However, this part of the Bill will go some way towards alleviating that problem.

Mr Gallagher: I welcome the amendments in group 2, which deal, as Members have said, with antisocial behaviour. All members of the Committee have had individual experience of and are well aware of the problems caused by antisocial behaviour, which impacts not just on individuals but often on entire neighbourhoods. Moreover, it cannot be fixed simply by exchanging tenancies. A much wider view has to

be taken of it, and the regulations have to take account of that.

The amendments allow the landlord to withhold consent to the mutual exchange of tenancies where there is evidence that antisocial behaviour exists. As I have said, a straightforward exchange of tenancy is not the way to sort it out. It is wider and deeper and simply will not go away by moving tenants around. The measures on the disclosure of information have to do with orders and injunctions for antisocial behaviour where the information is required to enable a landlord to decide whether to withhold consent on the exchange of tenancies.

The Chairman referred to the matter of social tenancies when there is an order for possession of a tenancy. In Committee, the Department gave an assurance that it would look at that and has now assured us that, under the regulations, it can give guidance to the courts about the impact of any court decision not just on the individual concerned but on others in the neighbourhood. That is to be welcomed.

That brought us to a discussion on individuals with mental health issues. The Department assured us that tenants with mental health problems will not be discriminated against in any way by the new guidelines from the Department on disclosure of antisocial behaviour. That was widely welcomed. We had helpful discussions that led us to the point of having these amendments, which I support, before us.

Ms Lo: I welcome this group of amendments, which is aimed at preventing the spread of antisocial behaviour. Many MLAs, including me, have over the past four years received numerous complaints from our constituents about antisocial behaviour in some social housing developments. That not only affects the neighbours of those people but can blight the whole neighbourhood. Simply letting people who engage in antisocial behaviour move to another area not only transfers the problem to another area but condones bad behaviour. We need to deal more with the problem on the spot to prevent the antisocial behaviour from continuing, rather than moving people out of the area. In my experience, because the Housing Executive or the housing associations do not deal with antisocial behaviour properly in many cases, the neighbours move out instead of the

people who perpetrate the antisocial behaviour. That rewards bad behaviour, and the people living beside them, who want a peaceful life, eventually feel that they have to move out of the area. That is unfair.

I welcome the amendments, but I call on the Housing Executive and the housing associations to deal more robustly with tenants who continue to carry out antisocial behaviour and damage the quality of life of their neighbours.

2.15 pm

Mr Craig: I support amendment Nos 10, 11, 12 and 13 and am particularly supportive of amendment No 14. It is good to see that Anna has moved to the right wing on antisocial behaviour issues concerning housing. It is most annoying, and I have no doubt that Anna has experienced —

Ms Lo: Will the Member give way?

Mr Craig: Certainly.

Ms Lo: I have never condoned antisocial behaviour. Come on.

Mr Craig: I thank the Member for correcting that. I have no doubt that the honourable Member has dealt with similar problems to the rest of us regarding antisocial behaviour. It is infuriating to find that some of those who cause difficulties in an area are not committing their first or second offence but are being moved on for the 10th, 13th or 14th time from one area or another. It is good that the Bill contains provisions to allow that to be taken into account. In some cases, they may never receive housing, but, if that is the case, they will have ruled themselves out.

I am particularly interested to see what the Minister has done with amendment No 14, which covers one area that causes huge annoyance to the public. The amendment proposes the insertion of a new clause to allow for possession orders against those causing annoyance and nuisance. In that clause, the Minister allows for the annoyance that is already there and the effect that it can have on anyone if it continues and is repeated. That is one of the areas on which present legislation is incredibly weak in that only one offence of noise annoyance of a neighbour can be taken into account, even if there is a long history of such annoyance. More important, the new clause takes into account the effect that the annoyance

would have on the neighbourhood if it were to continue and were to be repeated frequently. At present, the law does not take that into account.

I support what the Minister has introduced and hope that it will help in dealing with antisocial behaviour. It is good to see that other Members support that “get tough” campaign. Whether I label it right-wing is irrelevant; it will deal with a lot of the issues that we all have to deal with daily.

Mr Armstrong: I am not a member of the Committee for Social Development, but I was when much of the Housing (Amendment) (No. 2) Bill was discussed. Therefore, I can see where the Minister is coming from with many of his amendments. The fact that the Bill has taken so long to come before the House at Consideration Stage is a sign of the Committee’s scrutiny. The Ulster Unionist Party is satisfied with the Bill’s progress and the ultimate aim of introducing better regulations across the sector in Northern Ireland.

Mr Easton: I support amendment Nos 10, 11, 12, 13 and 14. Amendment No 14, which inserts a new clause regarding the response of courts to antisocial behaviour and the lack of public confidence, is greatly to be welcomed. The Committee noted departmental evidence that inconsistent decisions by courts on antisocial behaviour can damage public confidence. The Committee accepted the Department’s suggestion that guidance should be developed for courts so that, in reviewing possession orders, consideration would be given to the likely effect of a tenant’s behaviour on his neighbours as well as the effect of the possession order on the tenant.

Mr S Anderson: I am particularly supportive of the new clauses, which will tighten control over antisocial behaviour, and I speak in support of group 2, which comprises amendment Nos 10 to 14. Although only amendment No 14 proposes a new clause, the amendments will strengthen the legal controls over antisocial behaviour in the private rented sector. As amendment Nos 12 and 13 are technical in nature, I will restrict my comments to amendment Nos 10, 11 and 14 and will be brief.

Amendment Nos 10 and 11 will amend clause 9. They will help to ensure that social landlords will be able to withhold consent from

an exchange of tenancy not only in cases of antisocial behaviour but in circumstances in which there is evidence of a tenant using the premises for immoral or illegal purposes or if they have been found guilty of an indictable offence.

I turn to amendment No 14. The Committee took note of the Department's view that public confidence has been damaged by inconsistent court decisions around antisocial behaviour. Therefore, I welcome new clause 10A, as proposed in amendment No 14, which allows the Department to produce guidance for the courts when possession orders are being reviewed. That will enable the court to give consideration to the likely impact of a tenant's behaviour on his neighbours, as well as the effect of a possession order on the tenant. I trust that that will contribute towards much greater consistency in the courts and that it will help to control and prevent the sort of bad behaviour in the neighbourhood that can make the lives of decent, law-abiding people an absolute misery. I support the second group of amendments.

The Minister for Social Development: I thank all the Members who contributed. When this mandate is over and people look back on it in coming years, they might consider this group of amendments to be one of the most significant groups to be made to any Bill that has gone through this legislature in the past four years. I say that because the issue of antisocial behaviour is so widespread and has such an impact on so many individuals, streets and communities that, if interventions to address it, such as those in the second group of amendments, are enforced and applied in a prudent and consistent manner, they will have a material impact on neighbourhoods and in particular on those who are on the wrong side of the law.

There is no one answer to antisocial activity, but we should take every opportunity to intervene to deploy resources, to build up law and to create new enforcement in an effort to deal with those who may be engaged in antisocial activity. In that regard, I consider this block of amendments to be a significant and useful intervention. Taken in the round, with regard to the ability to withhold consent to mutual exchange of secure tenancies, to how information is shared, to what information is shared and to how the courts react when a case comes before them, if those

four interventions are applied as intended, they could have a material and positive impact on those issues.

I agree with Ms Lo that antisocial activity does not impact on one house, two houses or one street; it impacts and is a blight on the entire community. As Mr Hamilton indicated, for all those reasons, Members were right to feel strongly about the matter and were right to put it to me as Minister and to the Department to get over the wall in respect of those matters and to do so in a practical and proportionate way. In any guidance that the Department issues, the concerns of Disability Action and other disability organisations about people who have mental health issues will be taken on board.

I note what Members said about inconsistent decisions coming from the court, but it is only when the court is tested and a body of cases creates a body of precedents that the mind of the court will be fully explored. As Mr Hamilton indicated, ASBOs have not been tried and tested much in the Northern Ireland jurisdiction, but I anticipate and hope that the law that might be passed in the fullness of time through this Bill will be tested more before the courts and that the courts will begin to scope out the intent and scale of the law and to apply it in as many cases as they think is appropriate. I can also confirm that my officials recently carried out research on housing-related antisocial behaviour policies and interventions in the UK, which will help to inform future developments.

As part of any future policy development on those issues, I will certainly consider the issue of sharing information on antisocial behaviour with private landlords. However, as Members indicated, there are data protection issues. Although we support the principle of disclosure, we must ensure that it is on the right side of data protection and other human rights requirements. Subject to all those matters, I commend the second group of amendments.

Question, That amendment No 10 be made, put and agreed to.

Amendment No 11 made: In page 7, line 38, at end insert

"Ground 2B

The tenant or the proposed assignee or a person who is residing with either of them has been convicted of—

(a) an offence involving using the dwelling-house of which the tenant or the proposed assignee is the secure tenant, or allowing it to be used, for immoral or illegal purposes, or

(b) an indictable offence.” — [The Minister for Social Development (Mr Attwood).]

Clause 9, as amended, ordered to stand part of the Bill.

Clause 10 (Disclosure of information as to orders, etc. in respect of anti-social behaviour)

Amendment No 12 made: In page 8, line 5, after “2A” insert “or 2B”. — [The Minister for Social Development (Mr Attwood).]

Amendment No 13 made: In page 8, line 30, after “2A” insert “or 2B”. — [The Minister for Social Development (Mr Attwood).]

Clause 10, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 14 made: After clause 10, insert the following new clause:

“Possession orders: conduct causing nuisance or annoyance

10A. In Article 29 of the Housing (Northern Ireland) Order 1983 after paragraph (3) insert—

“(3ZA) The matters to be taken into account by the court in determining whether it is reasonable to make an order on ground 2(a) shall include—

(a) the effect that the nuisance or annoyance has had on persons other than the person against whom the order is sought;

(b) any continuing effect the nuisance or annoyance is likely to have on such persons;

(c) the effect that the nuisance or annoyance would be likely to have on such persons if the conduct is repeated;

(d) the circumstances of the tenant and the likely effect of a possession order on the tenant and any person residing with the tenant.” — [The Minister for Social Development (Mr Attwood).]

New clause ordered to stand part of the Bill.

Mr Deputy Speaker: As Question Time is due to start at 2.30 pm, I ask the House to take its ease until then.

The debate stood suspended.

(Mr Speaker in the Chair)

2.30 pm

Oral Answers to Questions

Office of the First Minister and deputy First Minister

Mr Speaker: Question 11 has been withdrawn and requires a written response.

Sexual Orientation Strategy

1. **Mr McDevitt** asked the First Minister and deputy First Minister to outline the reasons for the significant delay in publishing a draft sexual orientation strategy. (AQO 1079/11)

The First Minister (Mr P Robinson): Mr Speaker, with your permission, I will ask junior Minister Robin Newton to answer the question.

The junior Minister (Office of the First Minister and deputy First Minister) (Mr Newton): I thank the Member for his question. I am not aware of any significant delay in the publishing of a draft sexual orientation strategy.

Mr McDevitt: If there is no delay in the publication of a draft sexual orientation strategy, maybe the Minister of the Office of the First Minister and deputy First Minister will tell the House when he expects the strategy to be published. How long does he think it reasonable for such a strategy to be in preparation? After all, we know that it has been there for several years. Are there any barriers, such as, perhaps, his personal or party position, standing in the way of the finalisation of a strategy?

Mr Speaker: I remind the House that there should be one inquiry to a question.

The junior Minister (Mr Newton): Thank you, Mr Speaker; I am glad that you reminded him that he is entitled to one question. I resent the allegation that my party or I would, in any way, prevent anyone in society enjoying the same rights that everyone is entitled to. We are on record as saying that.

I also regret that he is raising a question that is already on the record. The timescale is on the record; it has been reiterated in the Assembly

on a number of occasions. All you need to do is do your research properly, instead of putting down a question to which you already know the answer. The answer is on the record. It is in Hansard, and it is there for you to research. Why are you shaking your head, if you know the answer already?

The Office of the First Minister and deputy First Minister (OFMDFM) is currently considering the detailed proposals for steps to develop the strategy that he is seeking, including the broad terms of reference for stakeholder groups, which would work alongside departmental equality co-ordinators. The equality co-ordinators from all of the Departments will be involved in the strategy to help develop and support the relevant sexual orientation action plans.

The background to this is that the previous consultation on sexual orientation took place under direct rule. At that time, our Department established a short-term lesbian, gay and bisexual fund, which was awarded to the sector to help build the capacity and partnership-working across the lesbian, gay and bisexual (LGB) sector.

Mr Ross: Hate crimes against anybody, be they due to religion, race or sexuality, are wrong and will be widely condemned in the Chamber. What work has OFMDFM done with other agencies to tackle hate crimes against individuals because of their sexual orientation?

The junior Minister (Mr Newton): I thank the Member for his question. It is an important question for the whole of society. OFMDFM continues to sponsor the PSNI's Unite Against Hate campaign. The figures collated illustrate that reported incidents of homophobic hate crime have reduced over a two-year period. There is no room for complacency in this matter, and there is a need for continuing vigilance. Perhaps we should not be proud of the figures, but we should acknowledge that we are making progress. Back in 2008-09 there were 179 incidents reported and 134 crimes, and, in 2009-10, there were 175 incidents reported and 112 crimes. That is a downward trend, but there is no room for complacency on our part. We have increased funding for good relations and race relations for 2008-11 by one third, which is an increase up to almost £30 million. That means that vital work on the ground is better resourced than has ever been the case before.

Challenging all forms of hate crime, hate, intolerance and inequality and promoting rights is work that we should all have an effective influence on. We have given our backing to the aims and goals of the Unite Against Hate campaign, and the success of campaigns such as that depends on all of us, every single MLA, taking individual responsibility for our actions and for confronting bigotry and intolerance wherever we encounter it.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. Can the Minister confirm that the CSI strategy commits OFMDFM to publishing a sexual orientation strategy?

The junior Minister (Mr Newton): I thank the Member for his question. The answer is yes. The CSI strategy is primarily designed to tackle racism and sectarianism, but a specific meeting with the LGB sector was part of the consultation on the cohesion, sharing and integration (CSI) document, and many of the issues raised will inform the development of the sexual orientation strategy. The LGB sector and, indeed, all other stakeholders will have a full opportunity to contribute to the development of that strategy.

Equality Commission: Employment

2. **Mr S Anderson** asked the First Minister and deputy First Minister what assessment they have made of the effectiveness of the Equality Commission in reducing discrimination in employment. (AQO 1080/11)

The First Minister: As the funding Department for the Equality Commission for Northern Ireland, the Office of the First Minister and deputy First Minister is accountable for the commission's business activities and resourcing arrangements. In that context, the Department is responsible for approving the commission's three-year corporate plan. It must also approve the commission's annual business plan. The commission has a statutory remit to challenge discrimination and promote equality of opportunity across a range of anti-discrimination statutes.

Any measurement of the existence or otherwise of discrimination is difficult to establish. The commission's work aims to contribute to a reduction in discrimination through casework at individual employer level, through advice and assistance to employers about practices

and procedures and through the results of affirmative action programmes.

The commission reports to OFMDFM on its performance on a quarterly basis, and it outlines progress towards achieving the aims, objectives and targets contained in its annual business plan. Our officials, in turn, consider the contents of those quarterly reports and request further details where appropriate. Of the 50 strategic targets outlined for the 2009-2010 business plan, 84% were delivered, 14% partly delivered and 2% not delivered. The commission also works closely with the Department to review governance and value for money issues. That includes working to identify opportunities for future cost savings.

Mr S Anderson: I thank the First Minister for his answer. Can he confirm that the Equality Commission still has a lack of balance, and, if so, what should be done about that?

The First Minister: I take that to be a question about the Equality Commission's own staff. As I understand it, at present, just over one third of its staff, or 34.5%, are Protestant and 65.5% are Roman Catholic. The type of actions that the Equality Commission would require of any employer whose workforce was out of sync with the community that could be expected to be employed there would include asking them to advertise more widely. The Equality Commission has done that of itself. It would ask them to assess the application breakdown against the successful applicant numbers. Again, the Equality Commission has done that. It would ask them to get the message out clearly that recruitment from a particular section of the community would be welcome. Again, the Equality Commission has done that in relation to its own staff.

The last action is that it would try to identify the reasons that application rates from one particular section of the community are low. Although the Equality Commission has made attempts to do that, the outcome suggests that those attempts have not been successful. I, therefore, think that more has to be done in that area. It could well be that, in our overall review of arm's-length bodies, we might like to look at whether the Equality Commission could be part of a wider body dealing with other rights issues. That might take away the "cold house for Protestants" image that the Equality Commission presently has.

Dr Farry: Would the First Minister support a review of fair employment monitoring methodology to better reflect those who do not see themselves as part of a Protestant/unionist or Catholic/nationalist community and who seek to define themselves as having a different identity?

The First Minister: I am not sure whether the Member is suggesting that others are discriminated against because they are not in one section of the community or the other. I would have thought that someone discriminated against because they are not from a particular community is the same as them being discriminated against because they are from a particular community. That would be the case in law, and I will certainly look at whether that is the case in the monitoring arrangements.

Mrs D Kelly: Will the First Minister outline the amendments about which the Equality Commission has written to him and the deputy First Minister on improving equality legislation in the North and whether they have any intention of implementing them?

The First Minister: We constantly review with arm's-length bodies how their work can be improved. As soon as it becomes policy of the Executive after an Executive decision, we, of course, will bring the policy to the Assembly. However, we would never do that beforehand.

Mr McEluff: Go raibh maith agat, a Cheann Comhairle. Tá ceist agam don Chéad Aire. Does the First Minister believe that there is an inherent weakness in the system, in that a complainant cannot take an alleged breach of equality duty directly to court but is limited to submitting a complaint to the Equality Commission for its investigation?

The First Minister: I ask the Member to consider what he is asking for. There is a system that, in itself, is very costly for employers to operate. If we become a more litigious society, running to the courts on every issue when there are bodies that can deal with it probably more quickly and with the degree of expertise that they have, it is better to leave the system as it is. I would far rather deal with equality issues on the basis of having strong and robust legislation that relate to actual cases than with some of the fringe issues that surround equality and have made it into an equality industry. I would far rather that we

protect the individual than go for all the issues beyond monitoring.

OFMDFM: Budget 2011-15

3. **Mr Irwin** asked the First Minister and deputy First Minister for an update on how they intend to deliver their departmental budget over the next four years. (AQO 1081/11)

The First Minister: The efficient and effective use of public resources remains a key priority for OFMDFM over the Budget 2011-15 period. As part of the draft Budget 2010, the Department had to identify savings of £3.8 million, £6.9 million, £10.3 million and £13.8 million over the Budget period while managing unfunded pressures of £3.6 million, £4.61 million, £5.99 million and £6.66 million.

The Department has developed savings measures intended to meet those targets, which will be delivered through improvements in efficiency and the effective delivery of services rather than through cuts to programmes and spending. We are considering the responses to the Budget consultation process, which closed on 16 February 2011, including feedback from the consultation events at the City Hotel, Londonderry, and the Wellington Park Hotel, Belfast.

Mr Irwin: I thank the First Minister for his answer. Will he indicate how his approach to the OFMDFM Budget settlement differs from that taken by certain other Ministers in other Departments?

The First Minister: With perhaps one exception, all Ministers have acted responsibly. They have recognised that we have to deal with a very significant cut to our Budget and that that means that budgets will be held down over the next four years. The exception, of course, is the Minister responsible for the Department of Health, Social Services and Public Safety (DHSSPS).

Anybody who cares to look at the draft Budget presented by the Finance Minister will see that the most attractive allocation went to the Department of Health, Social Services and Public Safety. While the Department for which the deputy First Minister and I have responsibility had its running costs reduced by more than 8%, the Department of Health, Social Services and Public Safety had its increased by 7.6%. Any Department that comes out of this

process with an increase in its funds has done very well.

2.45 pm

I have to point out that all of us share the desire to have the very best Health Service possible, which is why we took the step of making more money available to the Health Service in Northern Ireland over the next four years than there has been at any time in the history of Northern Ireland. It has the best allocation: it has a better allocation than any other Department in Northern Ireland, and it has a better allocation than elsewhere in the United Kingdom.

Frankly, I find it obscene that, instead of the Minister cheering that he has got the best deal in Northern Ireland, we have this kind of political posturing.

Mr Kinahan: I thank the First Minister, in some ways, for his answer. He is being extremely insincere, but I congratulate his Department on the cuts that it has implemented.

Rather than constantly tackling our Health Minister, when he looks at the large amounts of money and priorities that are going to the Department for Regional Development (DRD) —

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

Mr Kinahan: The question is just coming. Does the First Minister feel that it is right that all that money is going to DRD and the rather pointless, at the moment, A5 project —

Mr Speaker: Order. Let us be very careful. The subject of the question is the budget of OFMDFM not the budget of any other Department. I am trying to avoid widening the questioning to the Budget, so I insist that Members confine their questions to the budget of OFMDFM.

Mr Kinahan: My question links to the OFMDFM budget, particularly as the North/South Ministerial Council has given money to the A5 project rather than to the health budget. I was asking whether funding the A5 project is suitable when the health of the whole Northern Ireland population is losing out.

The First Minister: It might help Question Time if Members, before they get up on their feet and makes fools of themselves, were to

do a bit of study and research. If the Member had done a little bit of research, he would have seen that although DRD's budget for the current year is £517.3 million, by the end of the comprehensive spending review (CSR) period it will be £454 million. That is a reduction in the DRD budget, whereas the Department of Health, Social Services and Public Safety's budget increases by 7.6%. Let us put the facts on the table.

If there was more money about, of course we would give all Departments more money. However, we have to deal with cuts to our Budget because the Member who just spoke and his colleagues went out during the last general election campaign and advocated those very cuts. They did that against the advice of every other party in the Executive. It is ill of them — *[Interruption.]*

Mr Speaker: Order. Members must allow the First Minister to answer.

The First Minister: It is ill of them then to say that those cuts should apply to everybody else but not to them.

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle. If we can move away from the party political wrangle between the DUP and the UUP, perhaps I will be able to ask my question. What is the First Minister's strategy for funding for victims and survivors if the bid for Peace IV moneys is not successful?

The First Minister: The funding available for victims and survivors during this CSR period will be greater than it was in the previous CSR period.

Mr Doherty: Go raibh maith agat, a Cheann Comhairle. What is the current staffing level in OFMDFM? Will the Minister compare that figure with those from previous Administrations?

The First Minister: In 2004, there were 460 staff in post in OFMDFM, and there are now 351. That indicates that we have taken the issue of making efficiencies in our Department seriously, and, in doing so, we have given a lead to other Departments. I trust that our lead will be followed so that we can do the same job most efficiently at the least possible cost. That is what ratepayers and taxpayers expect of us, and I hope that all Ministers will take that on board.

Budget Review Group

4. **Mrs O'Neill** asked the First Minister and deputy First Minister for an update on the work of the Budget review group. (AQO 1082/11)

The First Minister: Each party in the Executive is represented on the Budget review group. That group made an important contribution to the development of the draft Budget and has met three times since it was published. We have continued discussions on a number of strategic issues in the draft Budget, including identifying potential new sources of revenue, options for maximising receipts and the means to further reduce bureaucracy. That work is ongoing, and the Budget review group will continue to meet over the coming weeks to facilitate ministerial discussion.

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. I welcome the fact that the Budget review group was able to find £1.6 billion of additional revenue. The Minister referred to the fact that the group has continued to identify other sources of funding. Will he provide the House with more detail on those sources of funding?

The First Minister: Although we identified £1.6 billion of additional revenue through discussions, we have not allocated £1.6 billion. The Minister of Finance and Personnel correctly decided to take a cautious approach, and he added in allocations only when he was absolutely certain that that funding was available. Therefore, only £800 million was added in.

That allows the Budget review group to look at the additional areas to see whether we can move them from the potential to the probable and include them in allocations that may be made during the four years of the CSR. Even if they cannot be made when the Budget goes through the Assembly, it does not stop us from bringing them in at a later stage should those issues be hardened up. Significant progress has been made in those areas. All parties are involved in the Budget review group, but no significant new ideas are coming forward.

Mr Campbell: The First Minister outlined the number of meetings of the Budget review group that have taken place. Given the comments that have been made about Budget allocations, will he confirm whether any parties were absent from those meetings?

The First Minister: I do not think that there was any significant absenteeism. The members of the group from the SDLP, the Ulster Unionist Party, the Alliance Party, Sinn Féin and the DUP have been present at most, if not all, meetings.

Mr Speaker: Once again, I encourage Members to rise continually in their place. If they do not rise, I will take it that their question or supplementary question has been answered.

Mr Gardiner: I thank the First Minister for his answers so far. Will he detail when the Budget review group expects to conclude its investigation into arm's-length bodies?

The First Minister: A paper was produced that sets out the criteria against which all arm's-length bodies should be judged. Each Minister is being asked to consider the arm's-length bodies for which his or her Department is responsible and to question their value for money and political value. When we receive those responses from Ministers, the Budget review group and the Executive will want to take decisions. However, it depends on the Ministers.

Mr Callaghan: Go raibh maith agat, a Cheann Comhairle, as ucht an deis seo a thabhairt domh ceist a chur.

The First Minister has wonderfully lauded the Budget review group and its work. Capital investment is taking a hammering in the draft Budget that he and other Ministers propose to the House and to the public at large. What constructive role, if any, is the Budget review group playing in prioritising capital spending over the next four years? That is particularly important in the context of the Cinderella figures of £1.6 billion that we have all heard about and even in the context of those figures that are being stood over.

The First Minister: The capital budget is not taking a hammering because of our draft Budget. It is taking a hammering because the spending review carried out by the United Kingdom Government cuts our capital spend by over 40%. The problem we are facing is Tory coalition cuts advocated by the Ulster Unionist Party.

As far as prioritising the capital spend is concerned, the Member's Minister might be the first person to object if the Executive started to tell him what his priorities should be within his Department. The Department of Finance and

Personnel takes the bids from all Departments and tries to determine the priority that each Minister places on his or her various bids and the allocations are made on that basis. If the Member is saying that he would like the Executive to choose the priorities for the Department for Social Development (DSD), for instance, then that is a different issue and one that we would have to consider.

Cross-sector Advisory Forum

5. **Mr Boylan** asked the First Minister and deputy First Minister for an update on the work of the cross-sector advisory forum. (AQO 1083/11)

The First Minister: The cross-sector advisory forum (CSAF) proved to be hugely successful in informing Ministers of the steps that the Executive needed to take in their response to the economic downturn. With the help of the forum, the Executive agreed a list of priority measures aimed at mitigating the impact of the prevailing difficult economic environment, and that list was published on 20 May 2010. Implementation of the priority measures has been very encouraging, with some four fifths of the recommendations either complete or currently being progressed. Significant achievements have been made in supporting planning, the construction industry, apprentices, the unemployed, those in poverty and in receipt of benefits, the social economy, local businesses, and the housing market. Although it is clear that CSAF has successfully fulfilled its initial purpose, any decisions on retaining or changing its format and structure in the future will be a matter for the new Executive.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer. He said that good work has been undertaken. Will he clarify whether that work will continue?

The First Minister: The work that flows from the decisions taken on foot of the advice and consultation will continue. As I said, four fifths are either completed or on the way to being completed. I take it from the question that the Member is asking whether the existence of the forum will continue. The deputy First Minister and I sat down with the forum fairly recently and discussed its future. It was agreed that we would look at the matter as soon as a new Executive were in place. However, we recognise that, even in continuing it, we might look to change the way in which it operates to get

a better outcome and better use of the very significant experience that there is around that table.

Mr G Robinson: Will the First Minister say whether he believes that the cross-sector advisory forum has a role to play in the future?

The First Minister: I told the forum that I felt that it had a continuing role to play. It was brought into being because we were facing an economic crisis. That crisis has not gone away, and I suspect that when we come back after the election, in the second week in May, that economic crisis will still have to be faced. Therefore, the justification for that body being in place is there. Indeed, we might even find that it has a further role in providing a forum — almost a civic forum — which is of no cost to the budget of Northern Ireland.

Mr McCallister: I am grateful for the First Minister's reply. What indicators are there to measure the success of the forum, particularly in investment, infrastructure and training?

The First Minister: I suspect that the Member would not have asked the question before he had looked at the website to see what the report was, which showed that the proposals were in each of the sectors. Indeed, Ministers from all parties were involved, depending on the area of consideration, and the proposals were taken on board by the Ministers. With regard to skills and training, issues were taken up by the then Minister — Sir Reg Empey, now Lord Empey — and progress is being made on those matters. I believe that all Ministers felt that it was a useful exercise and that they benefited from having that contact with the groups on the ground, those with expertise and those who are the stakeholders in their area of interest.

3.00 pm

Social Development

Mr Speaker: Question 2 has been withdrawn, and a written response is required to it. Question 8 has also been withdrawn.

Fuel Poverty

1. **Ms Lo** asked the Minister for Social Development whether the current levels of

funding to address fuel poverty and for the warm homes scheme will be maintained in the period 2011-15. (AQO 1093/11)

The Minister for Social Development

(Mr Attwood): I thank the Member for the question, as it is very important, not least because of the intense levels of fuel poverty in Northern Ireland. I confirm that current levels of funding to address fuel poverty will be maintained in the period 2011-15. I have just come from a meeting on this matter, and I will have further meetings this week to enhance the amount of money available, at least in three of the next four years, beyond that which has been made available in the current financial year.

Ms Lo: I thank the Minister for his very positive response. Fuel costs are ever-increasing and, compared to housing association homes, many more Housing Executive homes had burst pipes during the recent freeze. Does the Minister agree that we need to step up our efforts to upgrade the old and inefficient heating systems in our old Housing Executive stock?

The Minister for Social Development: I agree. That is why, as part of the conversation that I have just had and in conversations over the last number of weeks, I have agreed a dedicated line in the Housing Executive budget for insulation measures to mitigate the risk of harsh weather. Moreover, the maintenance programme of the Housing Executive will continue to replace existing heating systems with more efficient and cost-effective ones. Furthermore, over the coming days I will launch a new fuel poverty strategy that will cover as many bases as possible in dealing with the three areas or causes of fuel poverty: the cost of fuel, incomes and energy efficiency.

Mr Campbell: Has the Minister assessed the efficacy of the warm homes scheme as it has been rolled out in the current financial year, given the significant amount of money that was set aside at its beginning to make inroads into the number of unfit dwellings and dwellings that require insulation?

The Minister for Social Development: I can confirm that the performance indicator of 9,000 properties in the private sector to receive warm homes treatment in the course of this year will be met. It will be met much more cost-effectively than under the previous warm homes scheme. Both getting the number of properties over the line and the cost basis are going in the right

direction. However, I am not satisfied with that. As I told the Member who spoke previously, I intend to have more money going into the warm homes scheme in each of the next three years beyond the spend in this current year. Between the increasing number of properties that can be addressed and, potentially, the green new deal, I hope that we can stretch well over the 10,000 mark in energy efficiency.

Mr McDevitt: Has the Minister any plans to introduce additional measures to counteract fuel poverty?

The Minister for Social Development: I do not want to anticipate myself. I have said in the Assembly that the new fuel poverty strategy will have a boiler scrappage scheme. That will be run out as a pilot in the very near future and will target people in need rather operate on a first-come, first-served basis, as the scheme in England did.

As Members know, the next debate in the Assembly will touch on the issue of energy brokering as part of the Housing (Amendment) (No 2) Bill, which is at Consideration Stage. Given the 120,000 to 125,000 houses in the public sector in Northern Ireland, energy brokering, as a means of reducing the energy costs of individual tenants, offers great potential for the future.

Mr Speaker: Question 2 has been withdrawn.

Housing Executive: Contractors

3. **Mr K Robinson** asked the Minister for Social Development how the Housing Executive monitors the performance of contractors working on repairs to its properties. (AQO 1095/11)

The Minister for Social Development: I thank the Member for his question. I will simply say that no, I am not satisfied that the Housing Executive does enough to deal with contractor performance and to ensure that that performance lives up to all necessary standards. That is why, among other things, I commissioned a gateway review, which I reported on to the Assembly last month. Arising from that, I suspended the tender process on two maintenance contracts in the Housing Executive so that a much more fit-for-purpose contract could be created that not only relies on good partnership working but drives performance and its enforcement into the terms

and conditions of the contract while penalising contractors if they do not perform.

Mr K Robinson: I thank the Minister for his very helpful answer. As a representative for East Antrim, I know that my constituents perhaps did not suffer in the recent cold spell as adversely as some across the Province. Northern Ireland Housing Executive contractors deserve some praise for the busy week's work that they did at that time. Will the Minister detail how many complaints were received about the apparent substandard response from contractors or, indeed, from the Housing Executive itself to repairs to stock over that cold period?

The Minister for Social Development: I thank the Member for his question. There were actually a tiny number of complaints, and there was even less legal correspondence from solicitors representing one or more tenants. However, that does not tell the full story. The full story is that, although many contractors stretched themselves and lived up to their maintenance response requirements, there were clusters of areas where, in my view, contractors did not live up to all that is required of them in an acute and critical situation. That is why I instructed the acting chief executive of the Housing Executive to evaluate each contractor, regardless of the number of complaints, to identify where contractors did not live up to the required standards, what should be done about it now and what we can learn about it going forward.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. In my constituency, as I am sure is the case in many others, there have been ongoing complaints about contractors' standard of work. I am alluding not just to the work that was done over the Christmas period. Will the Minister give us some idea of how rigorously inspections are carried out before contractors are actually paid for the work that they are supposed to have done?

The Minister for Social Development: I thank the Member for that question. There are two streams of inspections in the Housing Executive. The first is on response maintenance, and the second is on planned maintenance. I think that the concern primarily arose with response maintenance. The response maintenance system is that there is 100% inspection of all contracts worth £750 and more, 20% inspection of contracts worth

between £100 and £750, and 1% sampling of contracts that are worth less than £100. So, processes are in place. However, as the gateway review demonstrated, although there are processes, their enforcement, as well as ensuring that terms and conditions are in contracts, makes sure that contractors who fail are penalised for that failure. That is the trick. It is to have not just an inspection regime but an enforcement regime that sees good contractors protected and the wrong contractors identified and dealt with.

Mr McGlone: The Minister answered part of the question that I was going to ask, which was whether an evaluation of each contractor would be conducted. Will he please inform me and the House when such an evaluation will be completed? Indeed, what actions are likely to be taken if deficiencies are found in the levels and quality of contracts provided to Housing Executive tenants, especially in the recent period of cold weather?

The Minister for Social Development: My view, which, I trust, is shared by the Housing Executive, is simply that penalties, such as reducing the number of payments or withdrawing or recovering payments, should be visited on contractors who fail to perform. Those are the disciplines that need to be in place. One of the best ways of disciplining contractors who fall on the wrong side of tenant and Housing Executive responsibility is through the pound in the pocket. All of that must be carried out with due process.

There is a more fundamental issue. We must ensure that, when the Housing Executive, DSD or any other government body or Department tenders for or awards contracts in any aspect of public procurement, as part of the tender process, previous performance qualifies or disqualifies a contractor from bidding for work in the future. If we do not have that hurdle in place, whereby contractors, at the time of tendering, are judged on their past performance, we will be letting down the public purse and the people of Northern Ireland.

Housing: Private Rented Sector

4. **Mrs O'Neill** asked the Minister for Social Development what steps he has taken to place a cap on the cost of renting private accommodation. (AQO 1096/11)

The Minister for Social Development: I thank the Member for her question. It is a complex question with a complex answer. Analysis of the private rented sector shows that there are inherent in it some disciplines and restraints when it comes to rent levels. For example, in the private rented sector, 60% of tenants get full or partial housing benefit. Consequently, there is some check on rent levels in properties in which tenants are entitled to housing benefit. There are also 1,000 other properties in Northern Ireland that are the subject of what are known as protected or statutory tenancies, for which rent control assessments are carried out. The answer to the question is that, inherent in the process of payment of rent, there are some disciplines and hurdles that have to be jumped when determining a reasonable rent level. It so happens that there is a free market in respect of the other properties, and there may be issues in managing the free market, not least going forward in a time of recession.

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer. He referred to the fact that a lot of housing benefit is paid. Something like £90 million a year is paid to the private sector in housing benefit. Has the Minister considered bringing in legislation or finding some other way to cap that? At a time of recession, the more moneys DSD can hold onto, the better for the public.

The Minister for Social Development: I note what the Member says. I have not been inclined to go down that road. That is the road that the London Government have been going down. The London Government have been introducing proposals with the intention of restricting access to housing benefit, capping housing benefit and not allowing people on housing benefit between the ages of 25 and 35 to live in a family house. It is the Tory policy of the London Government to go down the road of capping housing benefit in a way that disadvantages people. I am not inclined to go down that road. That is why I acknowledge what the London Government did last week, when they abandoned the proposal in the universal credit Welfare Reform Bill, to reduce housing benefit by 10% after one year for those on jobseeker's allowance. That was a dogmatic and penal proposal. It was about capping housing benefit, but it was still the wrong thing to do. I acknowledge the fact that the London Government, under pressure, including pressure from me and the Northern Ireland Executive,

have agreed to abandon that proposal. I hope that, when it comes to the management of our housing benefit system in Northern Ireland, we do not indulge in such activities.

Mr Kinahan: That was a good, thorough answer. What action will the Minister take against rogue landlords in the private rented sector who did not look after their accommodation properly during the cold spell?

3.15 pm

The Minister for Social Development: I thank the Member for that question. I know why he asked it. On either Christmas Eve or Boxing Day, the Member contacted me to flag up a case, beyond the public sector, of a private tenant who was in difficulty because a landlord was not fulfilling his or her responsibility. The general way in which we are trying to deal with that relates to the debate that we had before Question Time and that will continue in 15 minutes. In the Housing (Amendment) (No.2) Bill, which is going through the Assembly, we are trying to create new requirements for the private rented sector. In that way, we can create hurdles that private landlords have to get over to ensure that they comply with best practice.

The issue of housing legislation, whether it concerns housing associations, the Housing Executive or the private rented sector, will be a big part of the future mandate of the Assembly. There is a need to reform the housing sector in the North generally in respect of housing associations, the Housing Executive and, in particular, the private rented sector. I hope that a future Minister and future Assembly will legislate on the issue that the Member addresses.

Mr McCarthy: I am sure that the Minister agrees that there are too many people on the housing waiting list and too many private houses lying empty up and down the country. I understand that a system is operated in Donegal in which the statutory authorities offer a 10-year lease for private owners, thereby making it much easier for people on the housing waiting list to get accommodation. They work together so that the private —

Mr Speaker: Do I detect a question somewhere?

Mr McCarthy: If the Minister is aware of the system operated in Donegal and if the result would be fewer people on housing waiting lists

and fewer private houses lying empty, would he consider such a system for Northern Ireland?

The Minister for Social Development: I thank the Member for his timely question. As his party colleague Ms Lo indicated in the debate before Question Time, it is very likely, if not certain, that, in the next four or five years, the number of people on waiting lists for public housing in Northern Ireland will escalate, as will the number of people in housing stress. That is a matter that the draft Budget does not address because of the reckless reduction of newbuild moneys for housing association properties.

I agree with the principle that the Member articulates. As we go forward, there may be merit in looking at a leasing model for public sector housing. I await a report from PricewaterhouseCoopers on a leasing model that may or may not be applicable to Northern Ireland. I have also asked Housing Executive officials to scope out how many unfinished properties there are in Northern Ireland. A couple of weeks ago, I went through Comber on the way back from Downpatrick and saw a partially finished development. There may be opportunities — I must say that those are small because of the decent homes standard — to identify unfinished properties, of which there may be a number of hundreds in Northern Ireland unlike in the South. It may be possible to consider purchasing those properties, finishing them off and letting them out to tenants.

The fundamental point is that, as we go forward and reform housing in a positive image, we should look at many options to deal with housing stress. As the Scottish Government have done in Scotland, we should conduct a lot of pilots to see what funding and tender models might work best in Northern Ireland.

Mr P Ramsey: The Minister referred to the increasing number of people across Northern Ireland who are in housing stress. Does the Minister acknowledge that increasing numbers of people in housing stress are going down the private rented sector route because they cannot secure Housing Executive property? Indeed, district offices encourage applicants down that route. However, those people are faced with a cap in many instances. The vast majority of housing applicants are on income support or income-related benefit but face undue financial hardship because private landlords charge much more than what housing benefits cover. Can

the Minister outline a method to regulate those homes?

The Minister for Social Development: I thank the Member for his question. He is right: between 1991 and 2009, the number of properties in the private rented sector increased fourfold to over 125,000, which is about 17% of the entire accommodation stock in Northern Ireland. At the same time, fitness levels, even of that stock, have declined significantly — by 75% — from 8% to about 2%. I agree with the Member that some landlords are charging top-up fees over and above the amount paid in housing benefit. We need to consider that issue further.

I concur with Ms Lo that an increasing number of people will become reliant on private rented properties should they lose their job, their home, their income or their welfare. More people will be looking for private rented sector properties, not least because the target to build 2,500 newbuild public sector properties every year simply will not be satisfied under the draft Budget.

Social Investment Fund

5. **Mrs D Kelly** asked the Minister for Social Development to outline his Department's involvement in the proposed social investment fund and how this fund will relate to the Executive's neighbourhood renewal programme for tackling disadvantage. (AQO 1097/11)

The Minister for Social Development: I thank the Member for her question. A week before the draft Budget goes to the Executive to be potentially put to a vote and three weeks before it goes to the Floor of the House to be endorsed or otherwise, I still do not know what the £80 million in the draft Budget for a so-called social investment fund is intended to do. I hear from angry community organisations and community leaders that they are anxious and concerned about what that money is intended for. It is ludicrous that, a week before the Executive might have to endorse the draft Budget, no paper on that £80 million has been sent to the Executive, to other Ministers, to the Committee for the Office of the First Minister and deputy First Minister or to the Assembly. Members can draw their own conclusions from that.

Mrs D Kelly: I thank the Minister for his answer. As a member of the Committee for the Office

of the First Minister and deputy First Minister, I share his frustration, because I cannot get a handle on the terms of reference for accessing that fund.

I understand that there has been a mid-term evaluation of the neighbourhood renewal fund. Does the Minister have any sense of whether the £80 million for the social investment fund will complement that work? Have there been any discussions at all about the findings of that review?

The Minister for Social Development: I

acknowledge that neighbourhood renewal has begun to embed and that funding for it and similar programmes is beginning to have a measurable impact on many communities in Northern Ireland. That is why I welcomed the motion that the DUP tabled before Christmas, which was given unanimous backing on the Floor of the Assembly in respect of neighbourhood renewal and associated programmes. Although I have grave concerns about the social investment fund, I hope that every penny that is meant for neighbourhood renewal areas is spent wisely and is not simply invested in more buildings and more community jobs without the necessary community work and activism.

Let me put this very clearly: in North Belfast and in my constituency of West Belfast, there is a project called integrated services, which, I understand, receives £2.3 million in funding annually. That money goes into integrated services to protect families and children in need. Given that the Department of Education failed to make a bid for that project in its Budget submission, I am prepared to put money on the table to secure that funding. However, are the First Minister and the deputy First Minister prepared to put money from the social investment fund on the table to ensure that that vital service continues over the next four years?

Mr Gardiner: I have great sympathy for the Minister. Will he share with the House his fears about how OFMDFM might administer the social investment fund?

The Minister for Social Development: I hope that the fund is not administered in the way in which it was created — in secret, in private, over the head of government and over the head of the community. In this society, we have had enough of elitism, exclusion and hierarchies. We need inclusion, openness and disclosure around the fund. The fund, as engineered, is contrary

to the ethic of the Good Friday Agreement, our new politics and the values that are supposed to inform this institution. Consequently, as the fund has been conspired about in secret, it may end up being spent at the whim and will of the First Minister and deputy First Minister. I hope that that is not the case. I hope that the £80 million ends up, like neighbourhood renewal, as a fund that tackles disadvantage in an objective and open way and gets results.

Housing Executive: Vacant Properties

6. **Mr Beggs** asked the Minister for Social Development what is the average time taken by the Housing Executive to assess and repair a vacant property and make it available to a new tenant. (AQO 1098/11)

The Minister for Social Development: I can confirm that there is a 26-day target for void property turnaround time. I am advised that that time is measured between the date on which a property becomes void and the date on which a new tenant takes up a tenancy. During that period, property is assessed and repairs are completed to make it safe and habitable for a new tenant. In the most recent recorded month, which was December, the average turnaround time across all Housing Executive districts was 27 days, which is one day more than the target.

Mr Beggs: I thank the Minister for his answer. However, does he accept that, when a property is vacant, people remain homeless unnecessarily, income is lost and there is a risk of vandalism and damage? Does the Minister agree that there may be a need to scrutinise those targets further? For example, things such as electrical testing could have a much shorter target time, because a property may require no work and may simply need to be tested.

The Minister for Social Development: The Member is the first Member to raise that matter. He clearly knows of examples in which the target time has not been honoured or in which, if the turnaround time had been shorter, it would have benefited tenants, the Housing Executive and the wider community. If the Member knows about particular cases, I would welcome hearing from him. I will take advice on the matter. If there could be a quicker turnaround time, not least because of housing need and stress, the Member may make a fair point.

Mr G Robinson: Will the Minister tell the House how many Housing Executive properties were put out of existence during the December/January freeze?

in order to ensure that it fulfils its statutory functions, builds on its success and is even more fit for purpose.

The Minister for Social Development: I can confirm for the Member that, by my recall, 186 tenants presented as homeless. If that figure is not absolutely correct, I will write to the Member and confirm the correct figure. However, it was in and around 186 tenants. Those individuals, because of the state of their homes, were unable to continue living in them. There were, of course, other tenants who did not register as homeless but made their own arrangements and went to family or friends or were away. Therefore, there were other tenants, beyond the 186, whose houses were not fit for them to continue living in because of the scale of damage that was caused. However, I reassure the Member that those figures compare with the more than 23,000 properties that required work. The work of the Housing Executive and contractors allowed tenants in those properties to remain in their home during the Arctic weather.

Mrs M Bradley: Will the Minister provide an update on the fundamental review of the Northern Ireland Housing Executive?

The Minister for Social Development: Members will be aware that, in October, I commissioned a fundamental review. That review was supposed to position the Housing Executive going forward after 40 years of good work and to look at how to build on that work over the next two decades. PWC, which is conducting the review on behalf of DSD and the Housing Executive, is meeting stakeholders and has met the Housing Executive board and DSD staff to consider the options. I understand that PWC has contacted or is about to contact each party in the Assembly to have an in-depth conversation with their housing spokespersons and any other people that the parties may want to nominate to meet PWC.

The consequence of that is that I expect soon to receive an update on the work that has been undertaken in anticipation of a draft report coming to me by the end of March, which will outline the option or options for the Housing Executive.

However, my sense is that the review may recommend fundamental shifts in the architecture around the Housing Executive

3.30 pm

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

Executive Committee Business

Housing (Amendment) (No. 2) Bill: Consideration Stage

Debate resumed:

New clause

Mr Deputy Speaker: We now come to the third group of amendments for debate. The amendments deal with the Housing Executive and other social landlords. With amendment No 15, it will be convenient to debate amendment Nos 16 to 22 and 25. Members should note that amendment No 25 is consequential to amendment No 16.

The Minister for Social Development

(Mr Attwood): I beg to move amendment No 15: After clause 10, insert the following new clause:

“Miscellaneous amendments to the Housing Orders

Abandoned tenancies

10B.—(1) In Article 41 of the Housing (Northern Ireland) Order 1983 (NI 15) (rights of landlord where secure tenancy abandoned) in paragraph (3) for sub-paragraph (a) substitute—

‘(a) has reasonable grounds for believing the matters mentioned in paragraph (1)(a) and (b); and’.

(2) In Article 19A of the Housing (Northern Ireland) Order 2003 (NI 2) (rights of landlord where introductory tenancy abandoned) in paragraph (3) for sub-paragraph (a) substitute—

‘(a) has reasonable grounds for believing the matters mentioned in paragraph (1)(a) and (b); and’.

The following amendments stood on the
Marshallled List:

No 16: After clause 11, insert the following new clause:

“Abolition of rent surplus fund

11A.—(1) Article 37 of the Housing (Northern Ireland) Order 1992 (NI 15) (surplus rental income of housing association) is repealed.

(2) In Article 20(2) of that Order (offences relating to accounts of housing associations)—

(a) at the end of sub-paragraph (a) insert ‘or’;

(b) omit sub-paragraph (c) and the word ‘or’ immediately before it.” — [The Minister for Social Development (Mr Attwood).]

No 17: After clause 11, insert the following new clause:

“Service of documents

11B.—(1) Article 104 of the Housing (Northern Ireland) Order 1992 (NI 15) (service of certain documents) is amended as follows.

(2) For paragraph (1) substitute—

‘(1) Any document required or authorised by a statutory provision to be given to or served on any person by the Executive or a registered housing association may be given to or served on that person by being sent by ordinary post.’ — [The Minister for Social Development (Mr Attwood).]

No 18: In clause 12, page 9, line 19, leave out “or oil” and insert

“oil or other means of producing energy”. — [The Minister for Social Development (Mr Attwood).]

No 19: In clause 12, page 9, line 32, at end insert

“(d) a supplier of any other means of producing energy.” — [The Minister for Social Development (Mr Attwood).]

No 20: After clause 12, insert the following new clause:

“Functions of Executive in relation to community safety

12A.—(1) The Executive may take such action for enhancing community safety in any area as is compatible with the proper exercise of its functions in that area.

(2) Reference in this section to enhancing community safety in any area is to making the area one in which it is safer to live and work, in particular by the reduction of levels of crime and other anti-social behaviour.” — [The Minister for Social Development (Mr Attwood).]

No 21: After clause 12, insert the following new clause:

“Power of Executive to enter into arrangements with other statutory authorities

12B.—(1) The Department may by regulations make provision for or in connection with enabling the Executive (on the one hand) and prescribed statutory authorities (on the other) to enter into prescribed arrangements in relation to the exercise of prescribed functions of the Executive and prescribed housing-related functions of the statutory authorities, if the arrangements are likely to lead to an improvement in the way in which those functions are exercised.

(2) The arrangements which may be prescribed include arrangements for or in connection with—

(a) the exercise by the Executive on behalf of a statutory authority of prescribed housing-related functions of the authority

(b) the exercise by a statutory authority on behalf of the Executive of prescribed functions of the Executive,

(c) the provision of staff, goods, services or accommodation in connection with any arrangements mentioned in paragraph (a) or (b),

(d) meeting expenditure incurred in connection with the arrangements, including provision for the making of payments by a statutory authority to the Executive or by the Executive to a statutory authority.

(3) Regulations under this section may make provision—

(a) as to the cases in which the Executive and statutory authorities may enter into prescribed arrangements,

(b) as to the conditions which must be satisfied in relation to prescribed arrangements (including conditions in relation to consultation),

(c) for or in connection with requiring the consent of a Northern Ireland department to the operation of prescribed arrangements (including provision in relation to applications for consent, the approval or refusal of such applications and the variation or withdrawal of approval),

(d) as to the sharing of information between the Executive and statutory authorities.

(4) Any arrangements made by virtue of this section shall not affect—

(a) the liability of the Executive for the exercise of any of its functions,

(b) the liability of statutory authorities for the exercise of any of their functions, or

(c) any power or duty to recover charges in respect of services provided in the exercise of any functions of statutory authorities.

(5) A Northern Ireland department may issue guidance to the Executive and statutory authorities in relation to consultation or applications for consent in respect of prescribed arrangements.

(6) The reference in subsection (1) to an improvement in the way in which functions are exercised includes an improvement in the provision to any individuals of any services to which those functions relate.

(7) In this section—

‘housing-related functions’, in relation to a statutory authority, means functions of the authority which, in the opinion of the Department—

(a) have an effect on the housing of any individual,

(b) have an effect on, or are affected by, any functions of the Executive, or

(c) are connected with any functions of the Executive;

‘prescribed’ means prescribed by regulations under this section;

‘statutory authority’ means a body or person exercising functions under any Act of Parliament or Northern Ireland legislation.

(8) Regulations under this section—

(a) are subject to negative resolution;

(b) may contain such incidental, supplementary, transitional and saving provisions as appear to the Department to be necessary or expedient.” — [The Minister for Social Development (Mr Attwood).]

No 22: After clause 12, insert the following new clause:

“Indemnification of members and officers of Executive

12C.—(1) The Department may by order make provision for or in connection with conferring power on the Executive to provide indemnities to some or all of its members and officers.

(2) Before making an order under this section, the Department must consult—

(a) the Executive, and

(b) such representatives of officers of the Executive and such other persons as the Department considers appropriate.

(3) An order under this section—

(a) is subject to negative resolution;

(b) may contain such incidental, supplementary, transitional and saving provisions as appear to the Department to be necessary or expedient.” — [The Minister for Social Development (Mr Attwood).]

No 25: In the schedule, page 11, line 3, at end insert

“The Housing In Article 20(2), sub-paragraph (c) and

(Northern Ireland) Order the word ‘or’ immediately before it.

1992 (NI 15) Article 37.” — [The Minister for Social Development (Mr Attwood).]

The Minister for Social Development: The third group of amendments deals with miscellaneous functions of the Housing Executive and registered housing associations. Amendment No 15 would amend article 41 of the Housing (Northern Ireland) Order 1983 and article 19A of the Housing (Northern Ireland) Order 2003 to remove the legal requirement for the Housing Executive and registered housing associations to enter abandoned tenancies in order to complete the procedure for regaining possession of such accommodation.

Amendment No 16 would repeal article 37 of the Housing (Northern Ireland) Order 1992, thereby abolishing the requirement for registered housing associations to show separately in their accounts certain surpluses on rental income arising from properties built with grant funding. The Northern Ireland Federation of Housing Associations requested that provision on the basis that the so-called rent surplus fund no longer serves any useful purpose and imposes an unnecessary bureaucratic burden on associations. In close connection with that, amendment No 25 would amend the schedule to the Bill, which sets out legislation to be repealed. Consequential to the abolition of the rent surplus fund, it is necessary to repeal certain references to the fund in existing legislation, and amendment No 25 would achieve that.

Amendment No 17 would amend article 104 of the Housing (Northern Ireland) Order 1992 to ensure that the Housing Executive and registered housing associations can serve notices seeking possession by ordinary post. This is a technical amendment designed to remove an ambiguity in existing legislation. Amendment Nos 18 and 19 would amend clause 12 of the Bill to ensure that the Housing

Executive’s powers to broker energy supplies for its tenants cover all means of energy production and are not restricted to oil, gas and electricity.

As I indicated during Question Time, given the number of public sector properties managed by the Housing Executive and housing associations in Northern Ireland, which is now more than 120,000, the buying power of that scale should be exploited on behalf of their tenants in an effort to drive down energy prices.

There are very good examples, not least that of Joe Kennedy in Boston, America, who is president of Citizens Energy Corporation, which showed that intervention in the market can result in oil and other utility prices being reduced. In the first year after Joe Kennedy established Citizens Energy Corporation, the oil that he imported from Latin America was more than 40% less than the price that commercial operators in North America were charging. Although that may be a particularly good example of how energy brokering can work — namely, by people intervening in the energy market to mitigate energy costs — the model of energy brokering that we are trying to develop in Northern Ireland, around which I will make an announcement very shortly, creates the opportunity to deal with one of the core reasons for fuel poverty; namely, the price of fuel. If we can do something on the gas and electricity side, we will serve our tenants very well.

I am having difficulty in getting BP to come into the room with me to discuss the price of oil, never mind energy brokering around the price of oil, in Northern Ireland. The BP corporate organisation is prepared to meet only in the presence of the relevant Department in London. It is ludicrous that the oil company that imports into Northern Ireland 70% of oil, which is then used by 70% of people for home heating, is using a technical reason to avoid coming into the room to meet me. I will speak to the director of marketing of BP at 5.00 pm today. In Northern Ireland, our fuel poverty levels are at 44% and rising, and there are acute levels of fuel poverty for various sections of our community. If BP cannot come into the room and have a conversation with me about fuel poverty, the price of fuel and what it is going to do to contribute to dealing with that, it is a further indictment of that organisation after the bad press that it received last year.

Amendment No 20 will allow the Housing Executive to take such action for the enhancement of community safety as is compatible with the proper exercise of its functions. The Housing Executive has asked for that power, which would give it statutory authority to participate in crime prevention initiatives that may involve, for example, the provision of home security measures for elderly citizens who live in high crime areas or for persons who are vulnerable to hate crime. Although the executive contributes to such schemes from time to time, it has no specific authority to do so.

The Justice Bill, which was introduced on 18 October last year, requires public bodies, including the Housing Executive, to have due regard to community safety issues. There is some debate around all that. I presume that when the Justice Bill comes before the House this week there will be a lot of debate around what that all means. However, given that the Justice Bill would impose that duty on the Housing Executive, it is appropriate that the executive should have appropriate community safety powers.

Amendment No 21 will enable my Department to make regulations that prescribe arrangements that may be entered into by the Housing Executive with other bodies, where such arrangements are likely to lead to an improvement in the way in which the Housing Executive's functions are exercised. Although the Health and Social Care Board, the Probation Board for Northern Ireland and registered housing associations are required to co-operate with the Housing Executive if requested to do so in connection with the executive's homelessness functions, there is currently no specific statutory provision to enable the Housing Executive to work in partnership with those bodies.

I say all that without prejudice to the fundamental review, which, as I indicated, may or may not reconfigure the Housing Executive architecture. The proposed amendment will, however, enable the Housing Executive to delegate functions and pool resources with other bodies to ensure that there can be a single provider of services in key areas. That principle of pooling resources with other bodies to ensure that there can be a single provider of services in key areas is a principle that should begin to inform how government rolls out policy in Northern Ireland across a wide range for functions, way beyond

those for which the Housing Executive is responsible.

Amendment No 22 will enable my Department to make provision that confers power on the Housing Executive to provide indemnities to its members or staff where their duties require them to be involved in the governance of external companies or bodies. Just last week — this will give those who aspire to such office an insight into what a Minister has to do, not looking at anyone in particular — I had to sign off on a Housing Executive official becoming a member of the Down rural network. Given that that official will be part of that network, amendment No 22, if passed, would govern his or her situation. Understandably, therefore, the Housing Executive asked for this provision, which reflects a similar provision in Britain that is designed to protect housing officials involved in the management of other housing-related bodies, in the event that such bodies become insolvent.

That concludes the Government amendments.

The Chairperson of the Committee for Social Development (Mr Hamilton): With one exception, the amendments relate to the Housing Executive and are generally designed to deal with operational issues for that organisation. With permission, I will deal with each in turn.

The Committee accepted the departmental suggestion that the new clause on abandoned tenancies should be inserted, which will allow the Housing Executive to gain possession of abandoned tenancies without having to physically gain entry to the tenancies. The Committee believes the amendment to be a practical and helpful measure that will allow abandoned tenancies to be brought into use much more quickly. The Committee, therefore, agreed to support amendment No 15.

The Committee noted evidence in support of abolishing the rent surplus fund from the Northern Ireland Federation of Housing Associations. The Committee accepted departmental assurances that the rent surplus fund served no useful purpose and that its abolition will be beneficial for the efficient operation of housing associations. The Committee, therefore, agreed to support amendment Nos 16 and 25.

On the service of documents, the Committee noted evidence from the Housing Executive in respect of the service of tenancy documentation by ordinary post. The Committee accepted departmental assurances that the proposed new clause will enhance the efficiency of the operation of the Housing Executive. Again, the Committee, therefore, agreed to support amendment No 17.

On clause 12, the Committee agreed to accept amendment Nos 18 and 19, which are described as technical and are designed to set out that energy-brokering arrangements undertaken by the Housing Executive for the benefit of its tenants can apply to all forms of energy.

On community safety, the Committee noted evidence from the Housing Executive indicating that it currently participates in crime prevention initiatives, but believes that it has no legislative power to do so. The Committee noted that the Justice Bill may require the Housing Executive to do all it reasonably can to enhance community safety. The Committee agreed to support changes to the Bill to provide legal cover for the Housing Executive's promotion of community safety. Therefore, the Committee agreed to support amendment No 20.

On the new clause on partnership arrangements, the Committee again noted evidence from the Housing Executive in respect of its involvement with other statutory organisations. The Committee agreed to support the Department's request that the Bill be altered to allow legal partnerships to be developed between the Housing Executive and other statutory organisations, where that may lead to an improvement in the delivery of services for tenants. The Committee, therefore, agreed to support amendment No 21.

On the new clause on indemnification, the Committee also noted the evidence that it received from the Housing Executive in respect of the involvement of its officers in the governance of other housing-related organisations. The Committee noted the Housing Executive's concern that, although this is beneficial, its officers are currently undertaking such work without indemnification. The Committee agreed to support changes to the Bill which will provide additional indemnification for Housing Executive members and officers. Therefore, the Committee supported amendment No 22.

To add a brief note, I want to pick up on the Minister's point about energy brokering. I was with him — I think that I was a sponsor of the launch of a report on energy brokering that the Housing Executive was involved in. I admit that, at the time, before the event, I thought that energy brokering was a concept that sounded very good and nice, but, in practice, might be difficult to implement. There is no doubt that it will probably not be without its difficulties in implementation, particularly for the Housing Executive, which we are mainly dealing with in these amendments.

The Housing Executive's 90,000 consumers, in roughly an eighth of the overall housing stock in Northern Ireland, wield a huge amount of consumer purchasing power. To realise the benefits of that power through energy brokering will not be without its difficulties, but it is worth trying. I and other Members, and certainly the Committee, want to see the Housing Executive move forward rapidly with proposals to use its bartering and negotiating powers to realise even the more basic aspects of energy brokering, such as getting, perhaps, preferred rates from an energy supplier, if not the optimum of bulk purchasing energy at a lower cost. I was interested and a little concerned to learn that although that power was being included in the Bill, altered through the amendments, to give the Housing Executive the power to engage in energy brokering, that power has, I understand, existed for housing associations for some time. However, nothing has been done proactively or positively to realise that potential in roughly 30,000 homes. Either acting collectively as 30,000 homes in the housing association sector, acting individually as housing associations on behalf of their tenants, or, ideally, working alongside the Housing Executive as 120,000 tenants in homes across Northern Ireland, there is huge power and potential, and none of us wants that power to be put on the statute book through the passage of the Bill and not acted on positively in the future.

3.45 pm

We often hear about the three-legged stool of fuel poverty, which comprises income, energy efficiency, and the cost of fuel. There is very little that any of us can do about the cost of an energy commodity that is traded on global markets. However, we can do something by empowering people to use their ability as consumers to get the best price out of energy

suppliers. With that in mind, I particularly welcome the amendments and aspects of the Bill that relate to energy brokering, and I support all the amendments and insertions in this group.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I support the third group of amendments. As the Minister has stated, the group deals with miscellaneous functions of the Housing Executive and registered housing associations. As has been stated, the Committee accepted that the executive should be allowed to gain possession of abandoned tenancies without having to gain physical entry, and that those tenancies could be used in a better manner.

There was evidence from the Federation of Housing Associations that the rent surplus fund served no useful purpose. The Department gave assurances that that was the case and stated that the abolition of the rent surplus fund would be beneficial for the efficient operation of housing associations.

The amendment on the service of documents is a technicality and, if it increases the efficiency of the operation of the Housing Executive, it is to be welcomed.

The Committee discussed the Housing Executive's function in relation to energy brokering and accepted that it should not just be confined to certain types of energy provision and that, given that progress is being made on other issues of energy provision, it should be open to the executive to follow up. In my constituency, the executive has almost completed an energy efficiency audit, which will certainly be beneficial to those dwellings where it has been carried out. I think that the idea is to extend that. Again, that is certainly to be welcomed.

As has been stated, the Housing Executive has already played some part in dealing with community safety. In my constituency and I am sure in others, the executive, in conjunction with the PSNI, was previously involved in providing security lights, locks, and so on, for tenants. That was ongoing until the funds were diminished. The Minister may consider looking at that again because it was very useful and made pensioners in particular feel more secure in their homes.

The arrangement with other bodies is to be welcomed. If the Housing Executive is dealing with other statutory agencies to enhance and

promote the effectiveness of how it operates, that, again, is to be welcomed. I support this group of amendments.

Mrs M Bradley: I support amendment Nos 15 to 25, which abolish the rent surplus fund for housing associations and provide for the Housing Executive to gain possession of abandoned tenancies. I am quite sure that all of us in our time as politicians have had trouble with empty premises, do not know who to turn to and get frustrated with it. I welcome that the Housing Executive will be able to gain entry to the dwelling.

On community safety, I have worked with the Housing Executive and the partnership board locally to install alley gates to secure older people's homes so that they were not being annoyed during the night by vandalism and unacceptable behaviour. I support the amendment to introduce a new clause on the indemnification of members or officers of the Housing Executive. I support the amendments.

Ms Lo: I support this group of amendments, many of which take a common-sense approach to addressing anomalies. I congratulate the Minister on tabling the amendments on energy brokering. It is important that the amendments extend the types of energy that are included to other types of energy as well as oil and gas. They may come up with some brand new type of energy that we have not heard of yet, so the amendments address that.

I agree with what the Minister said about fuel poverty and rising fuel costs here. We pay the highest fuel costs, and Northern Ireland has the lowest incomes, so fuel poverty is a serious issue that affects many families in Northern Ireland. It is important that, when we have the potential to lever lower energy costs, we put in every effort in our power to reduce the costs of energy for housing tenants.

I welcome the new clause on community safety. The Minister of Justice has produced a community safety strategy. That has come out of the Department of Justice, but it is important that such strategies have buy-in from other Departments and agencies. It is important that we all work together and have the joined-up working that will benefit all tenants in the long run.

The Minister for Social Development: I thank Members for their contributions throughout the three groups of amendments. Two matters were

raised by the Chairperson of the Committee on the first group that I will speak to shortly.

I agree with the Chairperson of the Committee that the concept of energy brokering is huge and has significant opportunities, but it is not straightforward. That is why, in parallel with the legislation going through the Assembly, I met the Housing Executive and the housing associations in an effort to, to borrow a phrase, warm them up to ensure that, when the law is in place to enable the Housing Executive to do energy brokering, the tender document will be available as soon as possible after the legislation receives Royal Assent. The Chairperson was quite right to say that the housing associations have that power already. The tender document can then be published, and the competition can commence and be run under European procurement rules. Some time in late summer, the scheme may be live and the concept of energy brokering, which is immense, may have some real-time operation.

At the same time, as I indicated previously to the Assembly, I have met all the gas and electricity suppliers in Northern Ireland: NIE, Airtricity, Firmus and Phoenix. I said to them that, hopefully, the law will be in place shortly, that a tender will be out publicly thereafter and that I expected them to step up to the mark when it comes to making a contribution to the tender in reducing energy prices. The energy brokering proposal may be timely because the energy market has opened up somewhat in recent times, with the entry of Airtricity and Firmus into the Northern Ireland market, and they are particularly anxious to acquire business. Therefore, I hope that the ability of the Housing Executive and housing associations to broker energy, converging with the fact that, without prejudice, people are keen to do that sort of business, may result in a fall in prices for any tenants who fall under an energy brokering scheme.

I concur with the Chairperson of the Committee that housing associations have had that power. However, save for rare exceptions, mostly in communal lighting, they failed to exploit opportunities on behalf of their tenants. In my view, that confirms why housing associations as a movement, without prejudice to the fact that they have achieved much over the past 15 years in particular, require reform and a positive image.

When organisations have the power to do some good, I do not understand why they do not exploit that opportunity or demonstrate that they are trying to exploit it. I told the housing associations bluntly that I am not impressed by the fact that they did not exploit that opportunity, and I insisted that they piggyback on the Housing Executive tender opportunities for their tenants as well.

I also acknowledge what Mr Brady said about the energy efficiency audit in Newry. As I hope to outline in the near future, the Department has other plans for warm homes and energy efficiency in the Newry area. In the coming days, I hope that I can announce details of all that.

Finally, the Chairperson raised two points. His first point was on ineligible homeless people and the proposal in the Bill formally to bring the Housing Executive's homelessness duty to an end when an applicant ceases to be eligible for such assistance. I am conscious of the need to make proper provision for vulnerable people who are not eligible for housing assistance. The Human Rights Commission has recommended that destitute foreign nationals who are not eligible for assistance under homelessness legislation should be referred to health and social care trusts, which can provide support to particularly vulnerable individuals. Therefore, my Department will make regulations that require the Housing Executive to refer ineligible foreign nationals to the appropriate health and social care trust where the executive has reason to believe that the trust will be in a position to provide support.

I have also asked the Housing Executive to develop protocols with the trusts that will underpin the referral process. I checked earlier this morning on regulations and protocols. Both are at an advanced stage, and drafting is nearing completion. The Chairperson also asked about the vires for energy efficiency for local councils. I can confirm that those issues are being considered as part of the Department's new fuel poverty strategy, which will be launched shortly. Particular consideration will be given to councils' vires for schemes, such as issuing fuel stamps designed to assist with the management of heating costs in residential accommodation.

At the back of my mind, I think that the Chairperson raised one other matter that I did not note. If I have overlooked another matter, I

will communicate with the Chairperson so that the Committee can be reassured in that regard. I commend the Bill to the House.

Question, That amendment No 15 be made, put and agreed to.

New clause ordered to stand part of the Bill.

Clause 11 ordered to stand part of the Bill.

New Clause

Amendment No 16 made: After clause 11, insert the following new clause:

“Abolition of rent surplus fund

11A.—(1) Article 37 of the Housing (Northern Ireland) Order 1992 (NI 15) (surplus rental income of housing association) is repealed.

(2) In Article 20(2) of that Order (offences relating to accounts of housing associations)—

(a) at the end of sub-paragraph (a) insert ‘or’;

(b) omit sub-paragraph (c) and the word ‘or’ immediately before it.” — [The Minister for Social Development (Mr Attwood).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 17 made: After clause 11, insert the following new clause:

“Service of documents

11B.—(1) Article 104 of the Housing (Northern Ireland) Order 1992 (NI 15) (service of certain documents) is amended as follows.

(2) For paragraph (1) substitute—

‘(1) Any document required or authorised by a statutory provision to be given to or served on any person by the Executive or a registered housing association may be given to or served on that person by being sent by ordinary post.’ — [The Minister for Social Development (Mr Attwood).]

New clause ordered to stand part of the Bill.

Clause 12 (Functions of Executive in relation to energy brokering)

Amendment No 18 made: In page 9, line 19, leave out “or oil” and insert

“, oil or other means of producing energy”. — [The Minister for Social Development (Mr Attwood).]

Amendment No 19 made: In page 9, line 32, at end insert

“(d) a supplier of any other means of producing energy.” — [The Minister for Social Development (Mr Attwood).]

Clause 12, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 20 made: After clause 12, insert the following new clause:

“Functions of Executive in relation to community safety

12A.—(1) The Executive may take such action for enhancing community safety in any area as is compatible with the proper exercise of its functions in that area.

(2) Reference in this section to enhancing community safety in any area is to making the area one in which it is safer to live and work, in particular by the reduction of levels of crime and other anti-social behaviour.” — [The Minister for Social Development (Mr Attwood).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 21 made: After clause 12, insert the following new clause:

“Power of Executive to enter into arrangements with other statutory authorities

12B.—(1) The Department may by regulations make provision for or in connection with enabling the Executive (on the one hand) and prescribed statutory authorities (on the other) to enter into prescribed arrangements in relation to the exercise of prescribed functions of the Executive and prescribed housing-related functions of the statutory authorities, if the arrangements are likely to lead to an improvement in the way in which those functions are exercised.

(2) The arrangements which may be prescribed include arrangements for or in connection with—

(a) the exercise by the Executive on behalf of a statutory authority of prescribed housing-related functions of the authority,

(b) the exercise by a statutory authority on behalf of the Executive of prescribed functions of the Executive,

(c) the provision of staff, goods, services or accommodation in connection with any arrangements mentioned in paragraph (a) or (b),

(d) meeting expenditure incurred in connection with the arrangements, including provision for the making of payments by a statutory authority to the Executive or by the Executive to a statutory authority.

(3) Regulations under this section may make provision—

(a) as to the cases in which the Executive and statutory authorities may enter into prescribed arrangements,

(b) as to the conditions which must be satisfied in relation to prescribed arrangements (including conditions in relation to consultation),

(c) for or in connection with requiring the consent of a Northern Ireland department to the operation of prescribed arrangements (including provision in relation to applications for consent, the approval or refusal of such applications and the variation or withdrawal of approval),

(d) as to the sharing of information between the Executive and statutory authorities.

(4) Any arrangements made by virtue of this section shall not affect—

(a) the liability of the Executive for the exercise of any of its functions,

(b) the liability of statutory authorities for the exercise of any of their functions, or

(c) any power or duty to recover charges in respect of services provided in the exercise of any functions of statutory authorities.

(5) A Northern Ireland department may issue guidance to the Executive and statutory authorities in relation to consultation or applications for consent in respect of prescribed arrangements.

(6) The reference in subsection (1) to an improvement in the way in which functions are exercised includes an improvement in the provision to any individuals of any services to which those functions relate.

(7) In this section—

‘housing-related functions’, in relation to a statutory authority, means functions of the authority which, in the opinion of the Department—

(a) have an effect on the housing of any individual,

(b) have an effect on, or are affected by, any functions of the Executive, or

(c) are connected with any functions of the Executive;

‘prescribed’ means prescribed by regulations under this section;

‘statutory authority’ means a body or person exercising functions under any Act of Parliament or Northern Ireland legislation.

(8) Regulations under this section—

(a) are subject to negative resolution;

(b) may contain such incidental, supplementary, transitional and saving provisions as appear to the Department to be necessary or expedient.” — [The Minister for Social Development (Mr Attwood).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 22 made: After clause 12, insert the following new clause:

“Indemnification of members and officers of Executive

12C.—(1) The Department may by order make provision for or in connection with conferring power on the Executive to provide indemnities to some or all of its members and officers.

(2) Before making an order under this section, the Department must consult—

(a) the Executive, and

(b) such representatives of officers of the Executive and such other persons as the Department considers appropriate.

(3) An order under this section—

(a) is subject to negative resolution;

(b) may contain such incidental, supplementary, transitional and saving provisions as appear to the Department to be necessary or expedient.” — [The Minister for Social Development (Mr Attwood).]

New clause ordered to stand part of the Bill.

Clauses 13 and 14 ordered to stand part of the Bill.

Clause 15 (Commencement)

Mr Deputy Speaker: Amendment No 23 is a paving amendment to amendment 24 and is consequential to amendment No 8, which has been made.

Amendment No 23 made: In page 10, line 25, at beginning insert

“Except as provided by subsection (1A),”. — [The Minister for Social Development (Mr Attwood).]

Mr Deputy Speaker: Amendment No 24 is consequential to amendment No 8, which has been made.

Amendment No 24 made: In page 10, line 26, at end insert

“(1A) Sections 2, 5 and 7 come into operation on Royal Assent.” — [The Minister for Social Development (Mr Attwood).]

Clause 15, as amended, ordered to stand part of the Bill.

Clauses 16 and 17 ordered to stand part of the Bill.

Schedule (Repeals)

Mr Deputy Speaker: Amendment No 25 is consequential to amendment No 16, which has been made.

Amendment No 25 made: In page 11, line 3, at end insert

“The Housing In Article 20(2), sub-paragraph (c) and

(Northern Ireland) Order the word ‘or’ immediately before it.

1992 (NI 15) Article 37.” — [The Minister for Social Development (Mr Attwood).]

Schedule, as amended, agreed to.

Long title agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the Housing (Amendment) (No. 2) Bill. The Bill stands referred to the Speaker.

Executive Committee Business

Clean Neighbourhoods and Environment Bill: Consideration Stage

Mr Deputy Speaker: I call the Minister of the Environment, Mr Edwin Poots, to move the Consideration Stage of the Clean Neighbourhoods and Environment 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 the provisional grouping of amendments selected list.

There are four groups of amendments. The first debate will be on amendment Nos 1 and 2, which relate to a code of practice for dealing with litter offences. The second debate will be on amendment Nos 3 to 12, which deal with a strengthening of provisions mainly relating to graffiti and other defacement. The third debate will be on amendment Nos 13, 15, 16, 17 and 21, which are technical and consequential amendments. The fourth debate will be on amendment Nos 14, 18, 19, 20 and 22, which address how subordinate legislation will be handled.

Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

Clauses 1 to 15 ordered to stand part of the Bill.

Clause 16 (Litter offence: fixed penalty notice)

Mr Deputy Speaker: We now come to the first group of amendments for debate, which relate to a code of practice. Members should note that amendment Nos 1 and 2 are mutually exclusive.

The Minister of the Environment (Mr Poots): I beg to move amendment No 1: In page 14, line 37, at end insert

“(2A) After paragraph (8) insert—

‘(8A) The Department shall prepare and issue, and may from time to time revise, a code of practice for the purpose of providing guidance on the giving by authorised officers of notices under this Article.

(8B) An authorised officer must have regard to the code of practice as for the time being in force in determining whether to give a person a notice under this Article.

(8C) A draft of the code of practice, or any revision of the code of practice, shall be laid before the Assembly.

(8D) If, within the statutory period beginning with the day on which a copy of the draft is laid before the Assembly, the Assembly so resolves, no further proceedings shall be taken in relation to the draft but without prejudice to the laying before the Assembly of a new draft.’

The following amendment stood on the Marshalled List:

No 2: After clause 16, insert the following new clause:

“Litter offence: code of practice

16A.—(1) *Article 9 of the Litter (Northern Ireland) Order 1994 (NI 10) shall be amended as follows.*

(2) In paragraph (1) after the word ‘by’ insert ‘Article 6 or’.

(3) In paragraph (3) after the word ‘by’ insert ‘Article 6 or’.” — [The Chairperson of the Committee for the Environment (Mr Boylan).]

The Minister of the Environment: Clause 16 provides for fixed penalties for litter offences that can be given by a person authorised by a council for the purposes of giving notices under article 6 of the Litter (Northern Ireland) Order 1994.

Although the Bill was originally silent on whom a fixed penalty notice could be given to, the Committee for the Environment expressed concern about giving fixed penalty notices to juveniles. The Committee was of the opinion that statutory guidance on the giving of fixed penalty notices to juveniles should be provided by my Department and tabled an amendment to that effect.

I have no objection to that proposal, in principle, as my Department had always intended issuing guidance on the giving of fixed penalty notices to juveniles. However, the amendment that the Committee tabled was considered to be defective on a number of counts. I, therefore,

tabled amendment No 1, which provides that, in determining whether to give a fixed penalty notice under article 6 of the Litter Order, an authorised officer must have regard to a code of practice issued by my Department for the time being in force.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a LeasCheann Comhairle. Ar son an Choiste Comhshaoil, cuirim fáilte roimh Chéim an Bhreithnithe den Bhille um Chomharsanachtaí Glana agus an Timpeallacht.

On behalf of the Environment Committee, I welcome the Consideration Stage of the Clean Neighbourhoods and Environment Bill. The Bill was referred to the Committee on 30 June 2010 and, to ensure that there was enough time to scrutinise the Bill fully and effectively, the Committee sought an extension to 28 January 2011.

There were 21 written submissions to the Committee's call for evidence on the Bill and the Committee took oral evidence from six organisations, including the Northern Ireland Local Government Association and Countryside Alliance. The main objective of the Bill is to improve the quality of the local environment by giving district councils additional powers to deal with litter, nuisance alleys, graffiti, fly-posting, abandoned and nuisance vehicles, dogs, noise and statutory nuisance. It is welcome legislation that should lead to an improvement in people's everyday lives.

The Committee made eight recommendations in relation to the Bill, and the Department agreed to amend three clauses to address some of those. In addition, the Committee accepted the advice of the Examiner of Statutory Rules relating to seven powers in the Bill that will allow the Department to make orders to alter the amount of a fixed penalty notice. The Department agreed to amend those in accordance with the Committee's recommendation.

I will now touch on the amendments in the first group. In its deliberations on clause 16, the Committee was concerned to learn that, because the age of criminal responsibility is 10, as set by different legislation, the Clean Neighbourhoods and Environment Bill will allow councils to issue fixed penalty notices to children as young as that. Several children's and youth organisations expressed concern

about the implications of that, and members recognised the need for special guidance to be provided for councils when considering issuing a fixed penalty notice to children. The Committee sought reassurance that such guidance would be provided and the Department indicated that it intended to produce advice along the lines of that used in other jurisdictions. The Committee welcomed that, but sought more assurance that guidance would protect minors.

The Committee recommended that the Department amend clause 16 so that it would be required to issue guidance to councils on adopting special procedures for issuing notices to young offenders. That was to ensure that their function of issuing fixed penalty notices for litter offences to juveniles would be discharged in a way that safeguards and upholds the welfare of children. In the absence of a departmental amendment to that effect, the Committee agreed clause 16 subject to its own amendment. However, on being advised by the Minister last week that he would bring forward an alternative amendment to that effect, members were content to agree the departmental amendment at the meeting on 17 February 2011.

The Committee welcomed the fact that the Department's amendment would make it mandatory for councils to adhere to the code of practice that the Department would have to produce and that fixed penalties could not be issued until such a code was in place. There was some concern that the proposed amendment did not specifically mention juveniles, but, on being advised that the code would have to be affirmed by the Assembly, members were content to support it. I welcome the Minister's confirmation that the issuing of fixed penalty notices to minors will be covered extensively in guidance and, on that proviso, on behalf of the Committee, I support amendment No 1.

Mr Kinahan: I, too, am very pleased to speak on the Bill and welcome many of the matters in it, particularly those in relation to abandoned vehicles, litter, graffiti and much more. I feel that there is much agreement on the Bill, so I will not spend too long speaking on it. I am, however, concerned that even in this relatively small Bill, there is some concern that councils may need more resources, yet I know that the Minister feels that there is a little bit of fat in councils. I feel that there is a cost element to the legal

side, in training council staff and those who work through the councils.

I am very pleased to see the code of practice, as we had discussed it in the Committee and all agreed that some form of guidance was needed. Therefore, I look forward to seeing the guidance, but it must be fair and, more importantly, it must be effective. We support the first two amendments.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Like other Members who spoke, I will also be brief. A lot of the issues were gone into in considerable detail at the Committee. We support the initial amendment as outlined by the Minister and welcome the guidance to be introduced, because clearly there are all sorts of sensitivities when dealing with young people, and members recognised that at Committee. The introduction of such guidance should be useful for councils as they take forward what will be a raft of legislation that will, hopefully, lead to an enhancement of our neighbourhoods and tackle the issues of graffiti and abandoned vehicles and generally leave a good sense of well-being in our communities, as councils are empowered by the enactment of the legislation. The previous Member to speak referred to the necessity to be brief. I join him in welcoming the amendment, and I thank the Minister for introducing the Bill.

4.15 pm

Mr Lyttle: I, too, support the Bill and the amendments. The Clean Neighbourhoods and Environment Bill is one of two environment Bills that will pass through the Assembly today. It is important to note that both could improve the quality of life of local people in a tangible way. So I thank the Minister for introducing this Bill.

My only regret is that it took so long to consider the Bill, as my local council's environmental health officers have been burning my ear about it for a number of years. To improve neighbourhoods, they need legislation to help them to tackle issues such as littering, graffiti, unkempt gardens and fly-posting, not least because the presence of such antisocial behaviour often breeds further and more serious criminal damage.

Therefore, I welcome the provisions and the first group of amendments, which, as was said, will set clear guidelines for council officers in

exercising the powers enacted by the legislation, particularly when issuing fixed penalty notices to minors.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. First, I will speak about the code of practice, particularly with regard to minors. I found it shocking that a fixed penalty could be given to a 10-year-old for dropping a crisp packet or an apple core. That is not acceptable to me, and I appreciate the fact that the Minister will introduce guidelines on dealing with minors.

Special guidance is needed when dealing with children. It is a sensitive issue to penalise a 10-year-old for a pretty minor offence. The child then has to go home and face the wrath of his/her parents. That could have a devastating impact on a child's development, so it cannot be taken lightly.

From speaking to a number of children, particularly my seven-year-old daughter, I think that young children are more responsible than the older generations. Schools provide a lot of good environmental education, and young children are more conscious of their environment and of keeping it clean. They have a clear understanding of the damaging impact that litter can have, particularly on animals' welfare.

A lot of the issues that came up at Committee concerned penalising very young people. The suggestion was that littering was their fault. Even some Committee members felt that young people were the cause of so much litter. So I welcome the guidelines and support the Minister's proposal.

The Minister of the Environment: I thank the Chairperson of the Committee for supporting the amendment to the clause. The code of conduct will be mandatory, and it will be useful to councils as they implement the legislation.

Chris Lyttle explained why he thought that the Bill would be good, and that was my thought process prior to introducing it to the House. All the issues that he identified are issues that we are well aware of. One such issue is that of gaps in legislation. As far as possible, we need to assist local government in its difficult task of trying to keep Northern Ireland clean and making it a better place. We are often criticised, particularly by people from outside Northern

Ireland, for it not being as clean as it should be, and I would like to change that.

We need to develop an attitudinal change. Mr Clarke should, perhaps, read the words of Solomon:

"Train up a child in the way that he should go: and when he is old, he will not depart from it."

If you train children when they are younger to keep their areas and neighbourhoods clean, they will be unlikely to litter them when they get older. If you train children when they are young to respect the environment, they are unlikely to be polluters when they are older.

We need to encourage everyone, including young people, to show the proper degree of courtesy and respect for the environment that they live in. Everyone, including young people, will benefit from having that better environment.

I encourage the House to support amendment No 1.

Question, That amendment No 1 be made, put and agreed to.

Clause 16, as amended, ordered to stand part of the Bill.

Mr Deputy Speaker: Amendment No 2 is mutually exclusive to amendment No 1. Amendment No 1 has been made, so I will not call amendment No 2.

Clauses 17 to 25 ordered to stand part of the Bill.

Clause 26 (Penalty notices for graffiti and fly-posting)

Mr Deputy Speaker: We now come to the second group of amendments for debate, which relate to the strengthening of provisions on graffiti and other defacement. With amendment No 3, it will be convenient to debate amendment Nos 4 to 12.

The Minister of the Environment: I beg to move amendment No 3: In page 28, line 8, leave out "obliteration" and insert "defacement".

The following amendments stood on the Marshalled List:

No 4: In page 28, line 20, at end insert

"(12) In Article 87(11) of the Roads (Northern Ireland) Order 1993 at the end add 'and to an authorised officer of a district council (within the meaning of section 26 of the Clean

Neighbourhoods and Environment Act (Northern Ireland) 2011) acting in connection with an offence under paragraph (1).’ — [The Minister of the Environment (Mr Poots).]

No 5: In clause 31, page 29, line 27, leave out “flyer” and insert “placard”. — *[The Minister of the Environment (Mr Poots).]*

No 6: After clause 35, insert the following new clause:

“Removal or obliteration of graffiti, placards and posters

35A. For Article 18 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (NI 15) (removal of graffiti and fly posters) substitute—

‘Removal or obliteration of graffiti, placards and posters

18.—(1) Subject to the following provisions of this Article, a district council may remove or obliterate—

(a) any graffiti which, in the opinion of the council, is detrimental to the amenity of any land in its district;

(b) any placard or poster which is displayed in its district and which, in the opinion of the council, is so displayed in contravention of regulations under Article 67 of the Planning (Northern Ireland) Order 1991.

(2) Where any graffiti, placard or poster to which sub-paragraph (a) or (b) of paragraph (1) applies identifies the person who displayed it or caused it to be displayed, a district council may give that person notice in writing—

(a) that the council is of the opinion mentioned in that sub-paragraph in respect of the graffiti, placard or poster specified in the notice;

(b) requiring that graffiti, placard or poster to be removed or obliterated within the period of 2 days beginning with the date of service of the notice; and

(c) stating the effect of paragraph (3).

(3) Where—

(a) a district council serves a notice on a person under paragraph (2) in relation to any graffiti, placard or poster, and

(b) the person fails to remove or obliterate it within the period mentioned in that paragraph,

the council may recover summarily as a civil debt from that person the expenses it may reasonably incur in exercising its power under paragraph (1).

(4) Where—

(a) any graffiti, placard or poster to which paragraph (1)(a) or (b) applies does not identify the person who displayed it or caused it to be displayed, but

(b) the graffiti, placard or poster publicises the goods, services or concerns of an identifiable person,

paragraphs (2) and (3) have effect as if the reference in paragraph (2) to the person who displayed the graffiti, placard or poster or caused it to be displayed were a reference to the person whose goods, services or concerns are publicised.

(5) For the purpose of exercising any power under paragraph (1) a person authorised in writing by the council for the purposes of this Article may at any reasonable time enter any land if—

(a) the land is unoccupied, and

(b) it would be impossible to exercise the power without entering the land.

(6) Where any damage is caused to land or chattels in the exercise of any power under paragraph (1), compensation may be recovered from the district council exercising the power by any person suffering the damage (other than the person who displayed the graffiti, placard or poster or caused it to be displayed).

(7) Any question of disputed compensation shall be referred to and determined by the Lands Tribunal.

(8) Nothing in this Article authorises the removal or obliteration of any graffiti, placard or poster displayed—

(a) within a building to which there is no public right of access; or

(b) on land owned or occupied by a body established by or under a statutory provision.

(9) This Article and Article 19 are without prejudice to Article 67 of the Planning (Northern Ireland) Order 1991 (control of advertisements), and to Article 84 of that Order (enforcement of advertisement control), and to any regulations made under that Order by virtue of those Articles.’ — *[The Minister of the Environment (Mr Poots).]*

No 7: In clause 36, page 32, line 35, leave out “16” and insert “18”. — *[The Minister of the Environment (Mr Poots).]*

No 8: In clause 36, page 33, line 5, leave out “16” and insert “18”. — [The Minister of the Environment (Mr Poots).]

No 9: In clause 37, page 33, line 26, leave out “as follows” and insert

“in accordance with subsections (2) and (3)”. — [The Minister of the Environment (Mr Poots).]

No 10: In clause 37, page 33, line 33, at end insert

“(3A) Article 87 of the Roads (Northern Ireland) Order 1993 (NI 15) (control of advertisements, etc.) is amended in accordance with subsections (3B) and (3C).

(3B) In paragraph (9) for ‘that it was displayed without his knowledge or consent’ substitute ‘either of the matters specified in paragraph (9A)’.

(3C) After that paragraph insert—

‘(9A) The matters are that—

(a) the advertisement was displayed without his knowledge; or

(b) he took all reasonable steps to prevent the display or, after the advertisement had been displayed, to secure its removal.’. — [The Minister of the Environment (Mr Poots).]

No 11: After clause 37, insert the following new clause:

“Supplementary

Power of district councils to obtain information

37A.—(1) Subject to subsection (2), a district council may serve on any person a notice requiring that person to supply to the council, within a period or at times specified in the notice and in a form so specified, any information so specified which the council reasonably considers that it needs for the purposes of any function conferred on the council by this Part.

(2) Regulations may restrict the information which may be required under subsection (1) and determine the form in which the information is to be so required.

(3) A person who—

(a) fails without reasonable excuse to comply with the requirements of a notice served under this section; or

(b) in supplying any information in compliance with such a notice, makes any statement which that person knows to be false in a material particular or

recklessly makes any statement which is false in a material particular,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.” — [The Minister of the Environment (Mr Poots).]

No 12: After clause 44, insert the following new clause:

“Power of district councils to obtain information

44A.—(1) Subject to subsection (2), a district council may serve on any person a notice requiring that person to supply to the council, within a period or at times specified in the notice and in a form so specified, any information so specified which the council reasonably considers that it needs for the purposes of any function conferred on the council by this Part.

(2) Regulations may restrict the information which may be required under subsection (1) and determine the form in which the information is to be so required.

(3) A person who—

(a) fails without reasonable excuse to comply with the requirements of a notice served under this section; or

(b) in supplying any information in compliance with such a notice, makes any statement which that person knows to be false in a material particular or recklessly makes any statement which is false in a material particular,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.” — [The Minister of the Environment (Mr Poots).]

The Minister of the Environment: During the consultation exercise on the Bill, considerable criticism was received from consultees on the content of Part 4, which deals with graffiti and other defacement. Having considered the representations that have been received from the district councils and other stakeholders, I have sought to strengthen the provisions of Part 4 and am, therefore, proposing a number of amendments to give district councils the powers that they need to deal with those problems effectively.

Some of the amendments are relatively minor but are aimed at ensuring that potential loopholes in the law are closed and that the new provisions work cohesively with existing legislation. My officials have engaged with the

Environment Committee on all of the proposed amendments to Part 4 of the Bill, and it is my understanding that the Committee is content.

Amendment Nos 3 and 4 relate to clause 26, which enables a district council to issue a fixed penalty notice in lieu of prosecution for relevant graffiti and fly-posting offences. Those relevant offences are defined in clause 26(10) and include an offence under article 33 of the Road Traffic Regulation (Northern Ireland) Order 1997. Article 33 deals with the offence of interference with, or damage to, traffic signs, and clause 26(10) of the Bill originally limited the scope of the offence by using the words:

“which involves only an act of obliteration”.

However, significant interference with, or damage to, traffic signs could also be caused by graffiti and fly-posting actions other than an act of obliteration.

On further consideration, it was felt that the word “obliteration” was overly restrictive, as a lot of graffiti and fly-posting on traffic signs would not completely obliterate the signs. I am, therefore, proposing an amendment to replace the word “obliteration” in the definition of the relevant offence in clause 26(10) with the word “defacement”.

Another relevant offence for the purposes of clause 26 is an offence under article 87(1) of the Roads (Northern Ireland) Order 1993, which relates to painting, making marks or displaying advertisements on roads. Article 87(11) of that Order gives the Department for Regional Development the powers to obtain details of the person for whom, or on whose instructions, an advertisement was printed from the person who printed the advertisement.

In order to ensure that district councils have the necessary tools to take enforcement action in respect of an offence under article 87(1) of the 1983 Order, I propose the insertion of the new clause 26(12), which amends article 87(11) to extend the powers to obtain information under that paragraph to an authorised officer of a district council.

Amendment No 5 relates to clause 31, which deals with defacement removal notices and empowers district councils to issue notices to statutory undertakers and other owners of street furniture to require them to remove graffiti and fly-posters from their property. As drafted,

clause 31 uses the term “poster or flyer”, but that is inconsistent with the existing legislation that deals with fly-posting, namely article 18 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, which uses the term “placard or poster”. In addition, a flyer is more usually thought of as something that is distributed by hand rather than pasted to a wall or other structure. Therefore, for the sake of consistency and clarity, I have tabled an amendment to clause 31 to replace the word “flyer” with the word “placard”.

My Department’s engagement with district councils highlighted deficiencies in the existing legislation that deals with graffiti and fly-posting and, in particular, article 18 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985. That provides district councils with the power to remove or obliterate graffiti that is detrimental to the amenity of any land in its district or any illegally displayed placards or posters. It also enables the council, in certain circumstances, to recover the cost that it incurs in doing so. In response to representations made by district councils, I have tabled amendment No 6, which will create a new article 18 in the 1985 Order, by virtue of a new clause 35A. New article 18 will further strengthen the powers that are available to councils, and it will close the loopholes that render the existing legislation ineffective. In circumstances in which a district council gives notice of its intention to remove or obliterate any graffiti, placard or poster, the period of notice will reduce from 14 days to two days. That will enable councils to act more quickly and prevent unscrupulous businesses from benefiting from two weeks of illegal advertising. New article 18 will also afford protection to those whose private property has been defaced by graffiti and fly-posting and who, in all likelihood, are the victims of crime. It will ensure that they are not responsible for the costs of removal and that that cost is borne, where possible, by the person who committed the act of graffiti or fly-posting or the person whose goods, trade, business or other concerns are publicised by it. Further protection will also be afforded to property owners by allowing for compensation to be claimed by those whose property is damaged by district councils when exercising the power to remove or obliterate graffiti, placards or posters. Compensation will not be payable to those who displayed the graffiti, placards or posters or caused it to be displayed, and any question of

disputed compensation will be referred to and determined by the Lands Tribunal.

Amendment Nos 7 and 8 relate to clause 36, which originally made it an offence to sell an aerosol paint container to a person under the age of 16. However, a number of councils were of the opinion that it would be more appropriate to ban the sale of aerosols to those who are under the age of 18 and argued that that would bring the provision into line with the sale of restricted products such as tobacco and butane gas. That view was also shared by the Committee for the Environment. The aim of clause 36 is to reduce the incidence of criminal damage caused by acts of graffiti. Many of those acts are carried out using aerosol spray paint, which is quick and easy to use, can cause considerable damage to property and can be extremely difficult and costly to remove. I am, therefore, keen to ensure that a strong line is taken on the sale of those products, and, having listened to the concerns that were voiced by the councils and the Committee for the Environment, I propose that clause 36 be amended to make it an offence to sell an aerosol paint container to a person under the age of 18 rather than to a person under the age of 16.

Amendments Nos 9 and 10 relate to clause 37. As drafted, clause 37 makes changes to article 84 of the Planning (Northern Ireland) Order 1991 to amend a defence that can be used by someone who is alleged to have committed the offence of displaying an advertisement illegally. The existing defence for such a person is to prove that the advertisement was displayed without his knowledge or consent, which makes it very difficult to secure a conviction. Therefore, the amended defence, as substituted by clause 37, is that the person must prove that the advertisement was displayed without his knowledge or that he took all reasonable steps to prevent the display or to secure its removal after the advertisement was displayed.

The amendment means that, if business owners are to avoid prosecution, they will have to take responsibility for ensuring that their goods, trade, business or other concerns are not illegally advertised.

4.30 pm

Article 87 of the Roads (Northern Ireland) Order 1993 contains a similar defence to that contained in article 84 of the Planning (Northern

Ireland) Order 1991 for the offence of displaying an advertisement on a road. In order to make it more difficult for the perpetrator of that offence to escape conviction, I am proposing that clause 37 be amended. Therefore, an amendment similar to the one already being made to the Planning (Northern Ireland) Order 1991 is also made to article 87 of the Roads (Northern Ireland) Order 1993.

Another issue that came to light during consultation with councils was the need for them to have certain information-gathering powers. Article 20 of the Litter (Northern Ireland) Order 1994 empowers a council to serve a notice on any person requiring him to furnish any information that the council reasonably considers it needs for the purpose of any function conferred on the council by that Order. I understand that councils have found that to be particularly useful when gathering evidence to enable them to take a prosecution.

Graffiti and fly-posting are a significant blight on our environment, and I am keen to provide district councils with the necessary powers to tackle the problem effectively and to bring those responsible to justice. Therefore, I have tabled amendment No 11, which proposes the inclusion of new clause 37A to provide district councils with information-gathering powers in relation to Part 4 of the Bill, similar to those currently available to them in respect of litter. Under the new clause, anyone who fails to comply with a council's written request for information or supplies false information will be guilty of an offence and will be liable for a fine of up to £2,500.

The information-gathering power already available to district councils under article 20 of the Litter (Northern Ireland) Order 1994 currently extends to dog fouling, which is at present dealt with under article 4 of that Order. However, concern has been expressed by councils that they will lose power now that article 4 is being repealed and replaced by provisions in Part 5 of the Clean Neighbourhoods and Environment Bill. I assure Members that it is certainly not my intention to weaken existing powers, and, therefore, amendment No 12 inserts new clause 44A to provide district councils with information-gathering powers for the purposes of Part 5 of the Bill. As is the case with new clause 37A, anyone who fails to comply with a council's written request for information or supplies

false information will be guilty of an offence and will be liable for a fine of up to £2,500. Again, I understand that the Committee for the Environment is content with that proposal.

The Chairperson of the Committee for the Environment:

Go raibh maith agat, a LeasCheann Comhairle. With regard to amendment Nos 3 and 4, the Committee recommended that councils should be encouraged to provide sites where small and medium-sized enterprises can place advertising literature for free or for a nominal not-for-profit administration charge. Procedures put in place for using such sites should be straightforward and flexible, allowing for a quick reaction to market conditions, and should include measures to ensure that those using the sites keep them and the surrounding area tidy and up to date. The Committee supports those amendments.

The Committee also supports amendment Nos 5 and 6. It was suggested to members that it would be impossible for councils to administer the proposals relating to fly-posting due to the time-consuming and costly nature of removing fly-posters. However, there is a provision for councils to administer a fee to cover those costs, and that is welcome. Despite Committee concerns, the Department acknowledged that, under the Bill, the owners of buildings defaced by fly-posters could not recover the costs from the beneficiaries of fly-posting. The Committee agreed to make a recommendation that councils should be encouraged to provide spaces where small and medium-sized businesses can place advertising material for free or for a small administration charge. Amendment Nos 5 and 6 are intended to allow district councils to deal more effectively with graffiti and fly-posting, which have long been a blight on society, and, therefore, those amendments are most welcome.

Amendment Nos 7 and 8 raise from 16 to 18 the lower age limit outlined in the provision under which it would be an offence to sell aerosol paints to children. The Committee suggested those amendments on the basis of councils pointing out that retailers already cannot sell butane gas or alcohol to anyone below the age of 18 and that bringing in a different age limit for aerosol paints would be confusing for shopkeepers and hard to enforce. The Committee also felt that, if a student under 18 years of age needed aerosol paints for legitimate use, there would be ways of achieving

that through a parent, school or college. On behalf of the Committee, I am glad to say that the Minister has tabled those amendments. We all realise the potentially harmful effects of aerosol paints, and the change to a higher age limit is welcome.

On amendment No 9, the Committee recommends that, in order to ensure that councils are able to implement effectively the new powers over fly-posting provided in the Bill, Planning Service should tighten up its control of advertising. The Committee considered this amendment and amendment No 10 on 27 January, and members were content. On behalf of the Committee, therefore, I support amendment Nos 9 and 10.

The Committee also supports amendment Nos 11 and 12, which insert new clauses to give councils improved information-gathering powers. The Bill will transfer a lot of new powers to councils, so any amendments that will give them improved powers are welcome.

On behalf of the Committee, I support the amendments in this group.

Mr Kinahan: I welcome the fact that the Department, the Minister and everyone involved worked together on the Bill. It is a really good example, and that example should be adopted by many more places in this Building.

I welcome the amendments, as they strengthen the provisions. Amendment Nos 3 and 4 allow the councils to work better with the road legislation. Amendment No 5 gives the councils more power over flyers. We were concerned as to whether a flyer stuck to a box would be treated properly. However, I am told that the legal definition of a placard covers a flyer that has been stuck to an electrical box or similar things.

Amendment No 6 is an extremely good, long amendment on the subject of graffiti, placards and posters. It is very welcome. I want to emphasise the word “may” in that amendment; the councils do not have to do it in two days. However, most of us would like to see action taken over graffiti as quickly as possible, especially, as the Minister has said, as people are getting two weeks of free advertising from the illegal use of such methods.

In amendment Nos 7 and 8, we welcome the change in the age limit concerning aerosols

from 16 to 18. In amendment Nos 9, 10, 11 and 12, we welcome the extra provisions to enable councils to deal with advertisements linked to road legislation and powers to councils to find out more information so that they can deal with the problem. My party supports these amendments.

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

I thank the Minister for dealing with group 2 of the amendments. This is the most significant batch of amendments in this section of the Bill. It has the potential to help clean up our neighbourhoods. As we drive round the community, we see how areas, housing, boards and streets have been defaced by people illegally using other people's property to advertise their wares, events and a host of other things. It is also particularly important that the people who own the property and have had no role whatsoever in this illegal activity are not held responsible, financially or otherwise, for the activities of others. It is important that every effort is made, as it will be through this legislation, to ensure that the people responsible for indulging in fly-posting and graffiti round the place are held financially accountable and held to account in law. My party supports this group of amendments.

Mr Lyttle: I join colleagues in welcoming the group 2 amendments and, in particular, amendment No 6, which, as has been said, will strengthen council powers to tackle antisocial graffiti and fly-posting by giving councils further powers to require persons connected to the offence to remove it or allow councils to charge for its removal. I recall one area of my constituency where fly posters go up and down on a daily basis, so I know that local people will be particularly glad to hear that the Minister has brought forward those powers. As I have said, this is a power that local councils have sought for years. They will welcome it as well.

I also welcome amendment No 10, which would create a sensible provision to better govern the protection of anyone who has had graffiti or fly-posting that is connected to them displayed without their knowledge or consent. At the same time, I welcome amendment Nos 11 and 12, because they propose the introduction of improved information-gathering powers for councils.

Mr Dallat: I support my colleague Patsy McGlone. We certainly endorse the proposed changes enthusiastically, and we hope that they will fundamentally change the environment in which we live. We also hope that councils throughout the North will equally pay attention to graffiti and to all forms of fly-posting. I know that we will have to relax restrictions on that a little in the next few weeks, when people peddle their wares on the political scene. I am sure, Mr Deputy Speaker, that you would not rule me out of order if I said that we hope that all those posters will disappear when the election is over.

The idea of providing sites for fly-posting is very important. It is custom and practice in France and other European countries to choose sites that are attractive and convenient so that people who legitimately provide entertainment and so on can have an opportunity to promote it and are not then grouped with those who act irresponsibly.

At Committee Stage, I questioned the definition of the term "aerosol". I am very much aware that, as time moves on, spray paints are powered by triggers. I do not mean that to sound like an arms reference — perhaps the term "pumps" would have been a better way to put it. We need to be careful that we do not get outfoxed by those who, even at this stage in our peace process, still go around plastering the countryside with the most offensive messages of hatred.

Mr Weir: The Member made a good point about aerosols. We need to make sure that all elements are covered properly. It is clear that there is something of a moveable feast in the fact that technology moves on. Obviously, if technology overtakes the legislation, the Department could make regulations to ensure that further developments are covered. Alternatively, we could simply add to the Bill. The Bill is a good step forward in dealing with those matters, but we will obviously need to keep an eye on it in the future. We have good legislation for tackling graffiti and fly-posting and a lot of the things that make people's lives a daily misery. However, we have to make sure that technological advances will not allow those who have an illegitimate intent to escape in the future. I am sure that the House will come back and address that if necessary.

Mr Dallat: I thank Peter Weir for that timely and useful intervention. It helped to explain

the point that I was making, which is that the legislation must not be allowed to become outdated overnight and therefore be incapable of being implemented. However, the important point — I think that the Committee Chairman said this — is that tackling graffiti and all the environmental problems that we are talking about is part of an overall plan. That plan is very much built into and is part of education, of how children are taught at home and of how, over all, we appreciate the environment in which we live. The plan is also an important part of how we acknowledge, particularly in tourist areas, that the practices that we are talking about have been detrimental to the development of our tourist industry in the past.

I am sure that the Minister will explain in his winding-up speech the need to differentiate between defacement and obliteration. In my view, there should be no fly-posting of any kind on any traffic sign, irrespective of what it is or whether it is painted on the back or the front of the sign. Perhaps I misunderstood what was said, but anything that distracts a motorist from attention to the road is wrong. It should be an offence to distract drivers in that way.

I am sure that everyone will welcome the legislation. I will conclude by expressing my thanks to the Clerks, who played a very practical role in ensuring that the draft legislation is of the highest quality and is capable of being implemented. I look forward to seeing that.

4.45 pm

The Minister of the Environment: I thank the Committee for its support on the issues that were raised. Fly-posting and graffiti are current problems. The Bill could be further enhanced if the consultation exercise on a bids process, in which Minister Attwood is engaged, were to come to fruition in the House early in the lifetime of the next Assembly. That process would ensure that councils have the financial wherewithal to act quickly to deal with graffiti and fly-posting, particularly in urban areas.

I am very satisfied with the Bill. I have to admit that I had some concerns and reservations when Mr Dallat said that he would enthusiastically embrace it. That is the first occasion on which Mr Dallat has enthusiastically embraced anything that I have proposed in the House. Nonetheless, I will not allow that to put me off having some further thoughts on the Bill. I commend the amendments to the House.

Question, That amendment No 3 be made, put and agreed to.

Amendment No 4 made: In page 28, line 20, at end insert

“(12) In Article 87(11) of the Roads (Northern Ireland) Order 1993 at the end add ‘and to an authorised officer of a district council (within the meaning of section 26 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011) acting in connection with an offence under paragraph (1).’” — [The Minister of the Environment (Mr Poots).]

Clause 26, as amended, ordered to stand part of the Bill.

Clauses 27 to 30 ordered to stand part of the Bill.

Clause 31 (Defacement removal notices)

Amendment No 5 made: In page 29, line 27, leave out “flyer” and insert “placard”. — *[The Minister of the Environment (Mr Poots).]*

Clause 31, as amended, ordered to stand part of the Bill.

Clauses 32 to 35 ordered to stand part of the Bill.

New Clause

Amendment No 6 made: After clause 35, insert the following new clause:

“Removal or obliteration of graffiti, placards and posters

35A. For Article 18 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (NI 15) (removal of graffiti and fly posters) substitute—

‘Removal or obliteration of graffiti, placards and posters

18.—(1) Subject to the following provisions of this Article, a district council may remove or obliterate—

(a) any graffiti which, in the opinion of the council, is detrimental to the amenity of any land in its district;

(b) any placard or poster which is displayed in its district and which, in the opinion of the council, is so displayed in contravention of regulations under Article 67 of the Planning (Northern Ireland) Order 1991.

(2) Where any graffiti, placard or poster to which sub-paragraph (a) or (b) of paragraph (1) applies

identifies the person who displayed it or caused it to be displayed, a district council may give that person notice in writing—

(a) that the council is of the opinion mentioned in that sub-paragraph in respect of the graffiti, placard or poster specified in the notice;

(b) requiring that graffiti, placard or poster to be removed or obliterated within the period of 2 days beginning with the date of service of the notice; and

(c) stating the effect of paragraph (3).

(3) Where—

(a) a district council serves a notice on a person under paragraph (2) in relation to any graffiti, placard or poster, and

(b) the person fails to remove or obliterate it within the period mentioned in that paragraph,

the council may recover summarily as a civil debt from that person the expenses it may reasonably incur in exercising its power under paragraph (1).

(4) Where—

(a) any graffiti, placard or poster to which paragraph (1)(a) or (b) applies does not identify the person who displayed it or caused it to be displayed, but

(b) the graffiti, placard or poster publicises the goods, services or concerns of an identifiable person,

paragraphs (2) and (3) have effect as if the reference in paragraph (2) to the person who displayed the graffiti, placard or poster or caused it to be displayed were a reference to the person whose goods, services or concerns are publicised.

(5) For the purpose of exercising any power under paragraph (1) a person authorised in writing by the council for the purposes of this Article may at any reasonable time enter any land if—

(a) the land is unoccupied, and

(b) it would be impossible to exercise the power without entering the land.

(6) Where any damage is caused to land or chattels in the exercise of any power under paragraph (1), compensation may be recovered from the district council exercising the power by any person suffering the damage (other than the person who displayed the graffiti, placard or poster or caused it to be displayed).

(7) Any question of disputed compensation shall be referred to and determined by the Lands Tribunal.

(8) Nothing in this Article authorises the removal or obliteration of any graffiti, placard or poster displayed—

(a) within a building to which there is no public right of access; or

(b) on land owned or occupied by a body established by or under a statutory provision.

(9) This Article and Article 19 are without prejudice to Article 67 of the Planning (Northern Ireland) Order 1991 (control of advertisements), and to Article 84 of that Order (enforcement of advertisement control), and to any regulations made under that Order by virtue of those Articles.’—
— [The Minister of the Environment (Mr Poots).]

New clause ordered to stand part of the Bill.

Clause 36 (Sale of aerosol paint to children)

Amendment No 7 made: In page 32, line 35, leave out “16” and insert “18”. — [The Minister of the Environment (Mr Poots).]

Amendment No 8 made: In page 33, line 5, leave out “16” and insert “18”. — [The Minister of the Environment (Mr Poots).]

Clause 36, as amended, ordered to stand part of the Bill.

Clause 37 (Unlawful display of advertisements)

Amendment No 9 made: In page 33, line 26, leave out “as follows” and insert

“in accordance with subsections (2) and (3)”. —
[The Minister of the Environment (Mr Poots).]

Amendment No 10 made: In page 33, line 33, at end insert

“(3A) Article 87 of the Roads (Northern Ireland) Order 1993 (NI 15) (control of advertisements, etc.) is amended in accordance with subsections (3B) and (3C).

(3B) In paragraph (9) for ‘that it was displayed without his knowledge or consent’ substitute ‘either of the matters specified in paragraph (9A)’.

(3C) After that paragraph insert—

‘(9A) The matters are that—

(a) the advertisement was displayed without his knowledge; or

(b) he took all reasonable steps to prevent the display or, after the advertisement had been

displayed, to secure its removal.’” — [The Minister of the Environment (Mr Poots).]

Clause 37, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 11 made: After clause 37, insert the following new clause:

“Supplementary

Power of district councils to obtain information

37A.—(1) Subject to subsection (2), a district council may serve on any person a notice requiring that person to supply to the council, within a period or at times specified in the notice and in a form so specified, any information so specified which the council reasonably considers that it needs for the purposes of any function conferred on the council by this Part.

(2) Regulations may restrict the information which may be required under subsection (1) and determine the form in which the information is to be so required.

(3) A person who—

(a) fails without reasonable excuse to comply with the requirements of a notice served under this section; or

(b) in supplying any information in compliance with such a notice, makes any statement which that person knows to be false in a material particular or recklessly makes any statement which is false in a material particular,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.” — [The Minister of the Environment (Mr Poots).]

New clause ordered to stand part of the Bill.

Clauses 38 to 44 ordered to stand part of the Bill.

New Clause

Amendment No 12 made: After clause 44, insert the following new clause:

“Power of district councils to obtain information

44A.—(1) Subject to subsection (2), a district council may serve on any person a notice requiring that person to supply to the council, within a period or at times specified in the notice and in a form so specified, any information so specified which the

council reasonably considers that it needs for the purposes of any function conferred on the council by this Part.

(2) Regulations may restrict the information which may be required under subsection (1) and determine the form in which the information is to be so required.

(3) A person who—

(a) fails without reasonable excuse to comply with the requirements of a notice served under this section; or

(b) in supplying any information in compliance with such a notice, makes any statement which that person knows to be false in a material particular or recklessly makes any statement which is false in a material particular,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.” — [The Minister of the Environment (Mr Poots).]

New clause ordered to stand part of the Bill.

Clauses 45 to 54 ordered to stand part of the Bill.

Clause 55 (Powers of entry: supplementary)

Mr Deputy Speaker: We now come to the third group of amendments, which deals with technical and consequential amendments. With amendment No 13, it will be convenient to debate amendment Nos 15, 16, 17 and 21.

The Minister of the Environment: I beg to move amendment No 13: In page 44, line 41, at end insert

“(10) Subsection (9) does not apply so as to prevent an award of damages in respect of an act or omission on the ground that the act or omission was unlawful by virtue of section 6(1) of the Human Rights Act 1998.” — [The Minister of the Environment (Mr Poots).]

The following amendments stood on the Marshalled List:

No 15: In clause 60, page 50, line 15, at end insert

“ ‘owner’, in relation to any premises consisting of land, means a person (other than a mortgagee not in possession) who, whether in that person’s own right or as agent or trustee for any other person, is entitled to receive the rack rent of the premises or, where the premises are not let at a rack rent, would be so entitled if they were so let; ” — [The Minister of the Environment (Mr Poots).]

No 16: In clause 60, page 51, line 7, after “1981 (NI 4)” insert “(except for ‘owner’)”. — *[The Minister of the Environment (Mr Poots).]*

No 17: In clause 65, page 58, leave out lines 4 to 8. — *[The Minister of the Environment (Mr Poots).]*

No 21: In schedule 3, page 71, line 19, at end insert

“() In Article 7(5) for ‘paragraph (1)(b) to (f)’ substitute ‘paragraph (1)(b) to (e)’.” — *[The Minister of the Environment (Mr Poots).]*

The Minister of the Environment: Clause 55 provides a general indemnity for authorised officers carrying out their duties under clauses 53 and 54, which concern powers of entry, if done in good faith, against any action, liability, claim or demand. When consulted on the legislative competence of the Assembly in respect of the Bill, the Attorney General indicated that an amendment should be made to clause 55 to ensure legislative competence in respect of that clause. The Attorney General has confirmed that other provisions in the Bill, together with the proposed amendments, are within the legislative competence of the Assembly.

Amendment No 13 will ensure legislative competence on the basis of European Court of Human Rights compliance in respect of clause 55. Clause 60 stipulates the matters that constitute statutory nuisance for the purposes of Part 7 of the Bill. It also provides for the interpretation of various references used throughout Part 7.

The Bill originally contained a broad definition of “owner” that was restricted to clause 65 in respect of the recovery of expenses under clause 64(6) reasonably incurred by a council in abating or preventing the recurrence of a statutory noise. However, at Committee Stage, the Environment Committee was of the opinion that, in restricting the broad definition of “owner” to clause 65, my Department had inadvertently weakened councils’ powers to take abatement action in respect of statutory nuisances. It sought my Department’s agreement to amend the Bill so that the broad definition of “owner” applied to the whole of Part 7. Having considered the matter further, I accepted that restricting the broad definition of “owner” to clause 65 did, in fact, represent a weakening of councils’ existing powers.

Therefore, I propose, by way of amendment No 15, to extend the broad definition of “owner” to clause 60 and thereby to the whole of Part 7 of the Bill.

Consequential to that are two further minor amendments. Amendment No 16 ensures that the definition of “owner” in the Clean Air (Northern Ireland) Order 1981 does not apply to Part 7 of the Bill. Amendment No 17 simply deletes the current definition of “owner” from clause 65. Amendment No 21 is a consequential amendment to schedule 3 that is required as a result of the repeal of article 7(1)(f) and the word “and” immediately preceding it in the Litter (Northern Ireland) Order 1994 by part 2 of schedule 4, namely “Repeals”. Article 7(1)(f) and the word “and” immediately preceding it are being repealed because the Department is replacing the existing litter control areas provisions in article 10 of the 1994 Order with new litter clearing notices. Those provisions are being inserted as articles 12A to 12C of the 1994 Order by clause 17.

The Chairperson of the Committee for the Environment: As the name suggests, the amendments in this group, which I support, are technical in nature and are consequential to amendments already made.

I would like to touch on the Committee’s deliberations around clause 60, to which amendment Nos 15 and 16 relate. At the Committee’s meeting of 9 December 2010, members asked departmental officials to consider an amendment in relation to noise from illegal motorsports tracks. The Department replied that improved procedures for dealing with statutory nuisance brought about by Part 7 will enable councils to deal more effectively with noise emitted from land that is prejudicial to health or a nuisance and that an amendment to the Bill in relation to noise from illegal motorsports tracks was not required because the situation is already adequately covered by the Bill. The Committee was content with that response. However, I must ask that enforcement on that issue be carried out rigorously to ensure that people do not suffer the nuisance of illegal motorsports tracks, which seem to be becoming more commonplace.

Members also asked for clarification of clause 60(1)(l) because they were concerned that it might be used to impede the natural progression of water systems. The

Department's response was that English case law had established that the range of potential recipients of abatement notices under the provision is subject to an important limitation. Where a natural watercourse becomes silted up by natural causes and causes a nuisance by flooding, the landowner is unlikely to be held liable under the provision. By contrast, if a watercourse is created or substantially altered by humankind, the landowner or occupier is responsible for its design, construction and maintenance and may be in default in respect of their inadequacies. Members were content with that response.

When considering clause 65, to which amendment No 17 relates, members asked the Department to consider extending the definition of "owner" in clause 65 to the rest of the Bill, as requested by NILGA and several councils. I welcome the Minister taking on board the Committee's recommendation to expand the definition of "owner" in clause 65 to the whole of Part 7. On behalf of the Committee, I welcome the amendments in this group.

Mr Kinahan: I, too, welcome this group of amendments. I particularly support amendment No 13, which provides councils with indemnity when using powers of entry but is in keeping with human rights legislation, and amendment Nos 15 and 16, which extend the definition of "owner" to cover the whole of Part 7. I also support amendment Nos 17 and 21, which are more technical.

Mr Lyttle: I support the third group of amendments.

The Minister of the Environment: Once again, I thank Members for their support. We will perhaps need to take a further look at the issue of illegal car-racing tracks in future, certainly in the new Assembly term. It may be a matter that we can look at in the context of planning. A lot of those tracks hold events on up to 13 days of the year, which seems like quite a lot, and that would cause a nuisance particularly to those who live close to them, especially given that they do not come under the same rules and restrictions as legitimate tracks. We should take on board how we might deal with that issue. I urge Members to keep that matter relevant as we move into a new term and to support the amendments.

Question, That amendment No 13 be made, put and agreed to.

Clause 55, as amended, ordered to stand part of the Bill.

Clauses 56 and 57 ordered to stand part of the Bill.

5.00 pm

Mr Deputy Speaker: We now come to the fourth group of amendments for debate. The amendments relate to how subordinate legislation will be handled. With amendment No 14, it will be convenient to debate amendment Nos 18, 19, 20 and 22.

The Minister of the Environment: I beg to move amendment No 14: In page 47, line 36, at end insert

"and after 'section' insert '8A(7) or';

(b) after subsection (3) insert—

'(4) An order under section 8A(7) shall not be made unless a draft of the order has been laid before and approved by a resolution of the Assembly.'"

The following amendments stood on the Marshalled List:

No 18: In clause 72, page 63, line 1, after "subsections" insert "(2A),". — *[The Minister of the Environment (Mr Poots).]*

No 19: In clause 72, page 63, line 2, at end insert

"(2A) An order under—

(a) section 4(9);

(b) section 27(5);

(c) section 42(6); or

(d) section 50(6),

shall not be made unless a draft of the order has been laid before and approved by a resolution of the Assembly." — [The Minister of the Environment (Mr Poots).]

No 20: In schedule 3, page 71, line 11, at end insert

"The Pollution Control and Local Government (Northern Ireland) Order 1978 (NI 19)

. In Article 86—

(a) in paragraph (1) at the beginning insert 'Subject to paragraph (1A),';

(b) after paragraph (1) insert—

“(1A) An order under Article 29A(9) shall not be made unless a draft of the order has been laid before and approved by a resolution of the Assembly.” — [The Minister of the Environment (Mr Poots).]

No 22: In schedule 3, page 71, line 26, at end insert

“(6) In Article 25—

(a) in paragraph (1) at the beginning insert ‘Subject to paragraph (1A),’;

(b) after paragraph (1) insert—

‘(1A) An order under Article 18A(3) shall not be made unless a draft of the order has been laid before and approved by a resolution of the Assembly.’ — [The Minister of the Environment (Mr Poots).]

The Minister of the Environment: Amendment Nos 14, 18, 19, 20 and 22 concern the legislative procedure to be followed in respect of orders prescribing changes in the level of fixed penalties payable with regard to a range of offences specified in the Bill. The Bill originally provided that any future legislation amending fixed penalty amounts for a range of offences should be subject to negative resolution procedure. That is consistent with existing fixed penalty provision in existing legislation. I originally felt that negative resolution procedure was appropriate in this instance on the grounds that the issue is neither sensitive nor controversial and that there is substantial legislative precedence for this approach. However, I note that other Bills in the legislative programme have proposed the use of draft affirmative resolution procedure for the future amendment of fixed penalty amounts. I also recognise that the Committee for the Environment has recommended draft affirmative resolution on the advice of the Examiner of Statutory Rules.

Effectively, the amendments would ensure that any future change to the amount of fixed penalties is subject to draft affirmative procedure. That would provide for greater Assembly control in this area and would ensure consistency with other Assembly legislation. I urge Members to support the amendments.

The Chairperson of the Committee for the Environment: Go raibh maith agat, a LeasCheann Comhairle. On the advice of the Examiner of Statutory Rules, the Committee recommended that the seven powers in the Bill under which the Department may make orders to alter the amount of a fixed penalty

payment specified in the Bill be made subject to draft affirmative procedure. The Committee is, therefore, supportive of all the amendments in group 4, which will ensure that the House has the highest level of scrutiny of any subordinate legislation that follows the relevant clauses.

Mr Kinahan: I, too, welcome the amendments, and I particularly welcome the fact that we would have affirmative resolution on the fixed penalties regarding vehicles, graffiti, dogs and alarms. I look forward to seeing the Bill in place. We support the amendments.

Mr Lyttle: I support the amendments in group, particularly the provision for affirmative resolution. I offer my party's thanks for the hard work that has gone into making the provisions possible.

The Minister of the Environment: I thank Members for their support of the Bill and urge the House to support the group amendments.

Question, That amendment No 14 be made, put and agreed to.

Clause 58, as amended, ordered to stand part of the Bill.

Clause 59 ordered to stand part of the Bill.

Clause 60 (Statutory nuisances)

Amendment No 15 made: In page 50, line 15, at end insert

“ ‘owner’, in relation to any premises consisting of land, means a person (other than a mortgagee not in possession) who, whether in that person's own right or as agent or trustee for any other person, is entitled to receive the rack rent of the premises or, where the premises are not let at a rack rent, would be so entitled if they were so let;”. — [The Minister of the Environment (Mr Poots).]

Amendment No 16 made: In page 51, line 7, after “1981 (NI 4)” insert “(except for ‘owner’)”. — [The Minister of the Environment (Mr Poots).]

Clause 60, as amended, ordered to stand part of the Bill.

Clauses 61 to 64 ordered to stand part of the Bill.

Clause 65 (Expenses recoverable from owner to be a charge on premises)

Amendment No 17 made: In page 58, leave out lines 4 to 8. — [The Minister of the Environment (Mr Poots).]

Clause 65, as amended, ordered to stand part of the Bill.

Clauses 66 to 71 ordered to stand part of the Bill.

Clause 72 (Regulations and orders)

Amendment No 18 made: In page 63, line 1, after “subsections” insert “(2A),” — [The Minister of the Environment (Mr Poots).]

Amendment No 19 made: In page 63, line 2, at end insert

“(2A) An order under—

(a) section 4(9);

(b) section 27(5);

(c) section 42(6); or

(d) section 50(6),

shall not be made unless a draft of the order has been laid before and approved by a resolution of the Assembly.” — [The Minister of the Environment (Mr Poots).]

Clause 72, as amended, ordered to stand part of the Bill.

Clauses 73 to 76 ordered to stand part of the Bill.

Schedules 1 and 2 agreed to.

Schedule 3 (Minor and consequential amendments)

Amendment No 20 made: In page 71, line 11, at end insert

“The Pollution Control and Local Government (Northern Ireland) Order 1978 (NI 19)

. In Article 86—

(a) in paragraph (1) at the beginning insert ‘Subject to paragraph (1A),’;

(b) after paragraph (1) insert—

‘(1A) An order under Article 29A(9) shall not be made unless a draft of the order has been laid before and approved by a resolution of the Assembly.’ — [The Minister of the Environment (Mr Poots).]

Amendment No 21 made: In page 71, line 19, at end insert

“() In Article 7(5) for ‘paragraph (1)(b) to (f)’ substitute ‘paragraph (1)(b) to (e)’.” — [The Minister of the Environment (Mr Poots).]

Amendment No 22 made: In page 72, line 26, at end insert

“(6) In Article 25—

(a) in paragraph (1) at the beginning insert ‘Subject to paragraph (1A),’;

(b) after paragraph (1) insert—

‘(1A) An order under Article 18A(3) shall not be made unless a draft of the order has been laid before and approved by a resolution of the Assembly.’ — [The Minister of the Environment (Mr Poots).]

Schedule 3, as amended, agreed to.

Schedule 4 agreed to.

Long title agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the Clean Neighbourhoods and Environment Bill. The Bill stands referred to the Speaker.

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

Executive Committee Business

High Hedges Bill: Consideration Stage

Mr Deputy Speaker: I call the Minister of the Environment to move the Consideration Stage of the High Hedges 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 the provisional grouping of amendments selected list.

There are two groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment No 1, which seeks to insert new clause 2A, bringing single evergreen and semi-evergreen trees within the ambit of the Bill.

The second debate will be on amendment Nos 2, 3 and 4, which deal with the fee for making a complaint about a high hedge; refunds where a complaint is upheld; and transferring the charge to the high hedge owner if a remedial notice is issued.

Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

Clauses 1 and 2 ordered to stand part of the Bill.

New Clause

Mr Deputy Speaker: We now come to the first group of amendments for debate. There is only one amendment in the group, which is amendment No 1. It seeks to insert new clause 2A, bringing single evergreen and semi-evergreen trees within the ambit of the Bill.

The Chairperson of the Committee for the Environment (Mr Boylan): Not moved.

Amendment No 1 not moved.

Clause 3 (Procedure for dealing with complaints)

Mr Deputy Speaker: We now come to the second group of amendments for debate. With amendment No 2, it will be convenient to debate amendment Nos 3 and 4. The amendments deal with the fee charged for lodging a complaint about a high hedge; refunds where the complaint is upheld; and transferring the charge to the high hedge owner if a remedial notice is issued.

The Chairperson of the Committee for the Environment: I beg to move amendment No 2: In page 3, line 27, leave out subsection (7) and insert

“(7) Regulations made by the Department shall prescribe the maximum fee that can be charged by a council under subsection (1)(b).”

The following amendments stood on the Marshalled List:

No 3: In page 3, line 29, leave out from “may” to the end of line 30 and insert

“shall be refunded where a remedial notice is issued under subsection (4) or section 7(2)(c).”
— [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 4: In page 3, line 30, at end insert

“(9) Where a council refunds a fee to a complainant under subsection (8), the council shall charge the fee determined under subsection (1)(b) to the owner of the neighbouring land.” — [The Chairperson of the Committee for the Environment (Mr Boylan).]

The Chairperson of the Committee for the Environment: The issue of fees was heavily debated during the Bill's Committee Stage. Members were informed by several respondents to the Committee's call for evidence that the idea of the complainant having to pay a fee is against local government practice and contradicts the polluter pays principle. Respondents suggested several ways of improving the fee mechanism, but most assumed that the only fair way would be to transfer the fee to the hedge owner if the complaint was found to be valid. It was also widely acknowledged that the complainant should not pay more than the hedge owner if the finding went against them.

In its reply to comments on fees, the Department stated that any fee that was levied

was entirely at the discretion of the council and noted that councils will also have the discretion to refund fees. It also stressed that if a council issues a remedial notice that requires the height of a hedge to be reduced, it will be the hedge owner who will have to bear the costs associated with the work. The Department maintained that any fee that is levied is intended to be a payment for the service that is provided by the council to the complainant to resolve a dispute between neighbours. However, that view was not shared by members of the Committee, who remain convinced that it would be most appropriate for councils to be required to refund complaint fees should a complaint be upheld. The Committee asked the Department to explore the potential for an amendment to refund fees for upheld complaints. In reply, the Department stressed that the discretionary power in the Bill allowed councils to recover their costs and also had the effect of deferring frivolous or malicious complaints. A further departmental response outlined four possible options for fee charging but stressed that the only practical way forward was the model that it had put forward that councils could not charge a fee for a complaint or could repay the fee from its own funds.

5.15 pm

However, the Committee remained adamant that ratepayers should not shoulder the burden of the legislation by paying for councils to provide a free service or by paying for them to refund a successful complainant rather than recouping the fee from the hedge owner. Therefore, the Committee agreed to recommend that the Bill be amended to provide for a complainant's fee to be passed to the hedge owner in the event of a complaint being upheld.

Again, this is all about fairness. If a complaint is upheld, why should the complainant have to pay? Before anyone thinks that the Committee is quibbling over £30 or £40, I advise the House that the average fee for this service in England is between £300 and £400. Some councils charge more than £600. Even in Wales, where all councils charge the same, the fee is £320. This service is not cheap, and such amounts are highly likely to deter people from making a complaint, even if they are in misery because of a neighbour's high hedge. To those on low income or no income, it would be as helpful as having no legislation at all.

We are all clear that it is right that someone who enters a complaint should have to pay for it, as that will ensure that complaints are genuine and will avoid ratepayers bearing the cost for a service from which they do not benefit. Similarly, if someone puts in a complaint, and the council then assesses the problem and finds that no action is to be taken, it is right that the complainant should pay. However, it is the Committee's opinion that to allow councils to put in place a fee that would deter many, and even prohibit some, from making a genuine complaint, without a mechanism for that fee to be refunded on the complaint being upheld, is simply not right.

I will now deal with amendment No 2. The Bill includes the power for the Department to limit the level of fees, but officials indicated to the Committee that it was unlikely to do that unless there was a clear need to do so after the legislation had been operational for some time. The Committee requested information about fees for high hedges legislation in Wales and England. As I mentioned earlier, the information indicated that fees across English councils range from zero to £650, with the majority of councils charging between £300 and £400.

When Committee members considered that information, they agreed that, to prevent councils putting in place prohibitive fees and to avoid the wide variations across England, a cap should be placed on the fee charged by a council for a complaint against a high hedge owner. The Committee recognised that it was not in a position to recommend what the upper limit should be and agreed to recommend that the Department be required to invoke the regulations to set a cap on fees by way of amendment No 4. In conclusion, on behalf of the Committee, I commend amendment Nos 2, 3 and 4 to the House.

Mr Ross: I will also try to keep my comments brief, as was the case with the previous Bill, the debate on which made rapid progress.

Amendment No 2 is fairly straightforward. The reasons that the Committee felt that amendment to be appropriate were outlined by the Chairperson. The one issue that slightly concerns me is that councils may wish to go for the upper end of the fee limit. We need to keep an eye on that to make sure that it is not the case and does not happen. However, amendment No 2 is a fairly sensible change

to ensure that, as the Committee Chairperson said, councils do not set exorbitant fees to try to put people off making complaints.

As the Chairman outlined, for Committee members, amendment Nos 3 and 4 related to fairness; we believe that those amendments will bring fairness into the system. There is a fairly clear procedure for making complaints. In the first instance, to try to resolve their issues, an individual will have to approach a neighbour whose high hedges, it is believed, are causing a nuisance. If no resolution is found, that individual can then formally complain to the local council. There are two issues around that. Having a fee structure at the second stage of the process prevents frivolous complaints from being made. If an individual making a frivolous complaint knows that he or she will have to pay for that complaint, I think that it will stop such complaints being made.

However, in the case of a genuine complaint, in which an individual has approached a neighbour to try to resolve the issue without having to go to the next stage, it is appropriate that the individual causing the nuisance pay the fee. As the Committee Chairman said, it is consistent with the polluter-pays principle. It is also the case that, in civil law suits, the individual complained about or found guilty pays the fee. Amendment Nos 3 and 4 are consistent with that and will restore fairness to the system.

Mr Kinahan: I am very pleased to be able to speak on the Bill having encountered a person who was absolutely shaking in fury with a neighbour and was not able to live happily in her own house because of what was happening next door over her hedge.

I congratulate the Committee Chairperson for not moving amendment No 1 as that allows us to look at it again. However, I welcome all three other amendments, particularly the fact that the Department can set the maximum fee. I agree with the Member who spoke before me that councils do not necessarily have to go up to that high level of fee and should really choose a suitable fee, preferably at the lower end. I also welcome the fairness that will be put in place by amendment Nos 3 and 4. We support the amendments.

Mr Lyttle: I, too, welcome the opportunity to speak on the Bill. In my constituency of East Belfast, high hedges and tall trees are particularly difficult issues that impact

negatively on many local people's quality of life. I welcome the withdrawal of amendment No 1, given that it did not have the full support of the House today. I hope that we can return with a more robust amendment at Further Consideration Stage.

I also welcome the provision through amendment No 2 that any fee set will be set by the Department at a maximum level to ensure that making a high hedges complaint is not prohibitive for anyone. I welcome the principle of fairness that amendment Nos 3 and 4 set in place so that any fee will be recovered from a neighbour who is in breach of regulation and will be refunded to the complainant. That is a fair and proper way to handle the process. I support the amendments.

Mr Weir: I welcome the opportunity to speak on the Bill. It will be welcomed on the broader level.

I will turn specifically to the three amendments and deal first with amendment No 2. The Committee received evidence on the widely varying fees that had been placed, particularly in England. They say that a wise person learns from their mistakes and that an even wiser person learns from somebody else's mistakes. The high hedges legislation in England has created some problems, and a very sensible approach has been taken to try to make sure that we do not repeat other people's mistakes but rather be corrective of those mistakes. Consequently, I think that people who enter into a complaint process need some level of certainty. We cannot allow a situation in which councils try to avoid that potential responsibility and simply price people out of the market. Therefore, amendment No 2, which sets a cap on the maximum amount of fees, is quite sensible and has been universally welcomed.

Amendment Nos 3 and 4 are inextricably linked. The Committee was struck by the notion that, under the present wording of the legislation, on the one hand someone who, to use Mr Kinahan's phrase, was screaming with fury at the —

Mr Kinahan: Shaking.

Mr Weir: That person was shaking with fury at the ill behaviour of a neighbour who was persisting with a high hedge. That person was absolutely right and, in those circumstances, is likely to be successful with the complaint. However, from a complaints point of view, that

person was treated in exactly the same fashion as someone who makes an utterly vexatious complaint. Indeed, there is no doubt that — the fee will act as some level of deterrent to this side of it — some people will seek to use the legislation to try to settle scores or try to further a vendetta. The fact that those people will have to pay a fee will act as a deterrent.

People have mentioned the polluter-pays principle and the fact that, in any other civil dispute, the costs follow the event. When the council looks at the issue and finds that a person is 100% correct in a complaint, it is wrong to treat that person on the same basis as someone who makes an utterly vexatious complaint or one that simply does not stand up.

Under those circumstances, three options are left. The first of those is to treat the two in exactly the same fashion, which runs against natural justice. A second option is to reduce the fee for a person who makes a successful application, but, if there is no flip side for the person who is in the wrong, the additional costs would be borne by the ratepayer rather than the person who is at fault. A third option is that the person against whom the order is made has to pick up the tab for the complaint.

As well as flowing from natural justice, from a practical point of view, the option of the party who has been ordered against potentially having to pick up the tab can act as a deterrent to bad behaviour. I am sure that we all hope that the potential threat of intervention will lead people to behave more responsibly. Let us be honest: if neighbours were to act entirely responsibly, there would be no need for the legislation. The vast majority of people do behave responsibly, but if someone were acting unreasonably about the size of their hedge and the only sanction was that they would be forced to carry out remedial work, what incentive would there be on that person to come to an agreement with their neighbour and take proactive action to cut down the hedge? If that person has to pick up the tab, as the amendments propose, that will be an incentive for good behaviour.

There are some valid concerns with the amendments, and those can be addressed. There is an argument that they will drag the councils into a quasi-judicial position, and there is some truth in that. However, given that the councils will have to determine whether remedial action is to be taken or not, they will,

to some extent, act as judge and jury anyway, so I am not sure that that is clear cut. Arguments can be used that the amendments could create some unforeseen circumstances and that, indeed, there may be potential breaches of equality, and there is some truth in that.

The amendments have received support from all sides of the House, and if they are accepted, there may well be consequential changes and, perhaps, changes at Further Consideration Stage to ensure that the intention behind them is right. I am sure that the Committee and the House will be perfectly prepared to see some additional changes flow from this at Further Consideration Stage to ensure that we get legislation that is entirely fair and that there are no unfortunate unforeseen circumstances as a result of the amendments. I would be happy to see some further changes at Further Consideration Stage to ensure that we get the legislation right. With those caveats, I commend all three amendments to the House.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I agree with the Members who spoke previously, particularly on the caveats that need to be put in place at Further Consideration Stage, because the amendments will have knock-on impacts. I agree that we need a consistent approach to the fees that councils charge, on a similar model to that which was adopted by the Welsh Assembly. Any cap in fees will have to cover councils' costs, which will include officers' time and the expertise of tree surgeons who might have to be brought in.

As the Chairperson said, a considerable cost burden might be placed on local government. A raft of legislation has come from the Assembly to local government, and local authorities will feel the squeeze.

In my opinion, it has to be cost-neutral. Therefore, the cap will have to reflect that. If a complaint is upheld by the council, making the offending hedge owner pay the fee will be a greater incentive to finding a resolution at mediation stage. It will bang heads together to find an accommodation, knowing that they will have to pay the costs to get the work done, and the extra fee on top of those costs will be a useful incentive. We have to ensure that we do not introduce legislation to the House that is available only to the wealthy. The cap will ensure fair play for all citizens.

5.30 pm

There may be reasons why people cannot afford to cut hedges. Furthermore, they may be unable to get them cut because of age or because they have no family members around to carry out the work. Mr Weir said that there are further considerations that we need to take on board. We need to look at the issue of people on benefits. The Minister will have to clarify how people are meant to pay or how they will be able to pay if they are already choosing between eating and heating their home. Where will they get the resources to pay for that? We need to look carefully at that. We also need to clarify whether the house owner or the tenant will be responsible for the fee. More work needs to be done in that regard.

I support the amendments, but I think that there will be more amendments at Further Consideration Stage.

Mr Dallat: I hope that the shock is not too great for the Minister, but I rise twice in one day to endorse a Bill coming from his Department. The fees issue, which has been focused on, is an important one, and I agree that it requires further consideration. The expectations arising out of the Bill in all sorts of ways are unlimited. It is perhaps unfortunate that the High Hedges Bill was not our Bill from the beginning. It was taken from England, where it came into operation some time ago, and that is where some of the problems arise. However, the points about fees have been well made, and we need to return to them.

Mr Callaghan: I thank the Member for giving way. Does he share my experience, which is that many people who have raised the issue of high hedges and tall trees in the constituency are pensioners or people of pensionable age, and, almost by definition, they tend to have restricted incomes in many cases and to rely on their pensions? Any fee that is too high could be a deterrent to them seeking the type of resolution that the Bill is intended to provide.

Mr Dallat: I cannot agree more with the Member. He veered towards the issue of tall trees, and I thought that he was going to tell me that he was hugging them, but, thankfully, he did not. Those points are well made, and they need to be taken into consideration when we return to the issue. However, it is useful legislation, and people have the greatest expectations of it. I hope that, in time, we will be able to meet

those expectations, because, at the moment, I suspect that the Bill is somewhat limited.

Mr B Wilson: I too welcome the legislation. High hedges are a very common problem in North Down. In fact, I have been involved in a number of disputes — *[Laughter.]* Sorry, I have been involved in trying to resolve a number of disputes between neighbours. They are extremely difficult, and some people are particularly unreasonable about it. However, in relation to amendment No 1, councils should retain their discretion to charge fees. That should be based on the cost to the council. However, I also believe that there should be a maximum level. As the Chairperson pointed out, the average fee in England is between £300 and £400. Councils can, at their discretion, charge nothing. Charges can be up to £650. That fee is totally unacceptable. Basically, the Department should set a maximum fee.

Initially, when I saw amendment Nos 3 and 4, I intended to oppose them. It should not be an offence when a person simply grows a hedge that someone else complains about and for which the person could then be penalised. However, having dealt with people who are involved in such disputes and with people who are being totally unreasonable, I believe that, if parties have undergone some sort of mediation and someone is clearly acting unreasonably and the complaint has not been made simply to be malicious or vexatious, that person should face a penalty. Therefore, I accept the amendments, which provide for situations when mediation has already been tried and someone has acted unreasonably.

The Minister of the Environment: I am prepared to support amendment No 2. I do not believe that it constitutes a substantive amendment to the Bill. It requires my Department to limit the level of complaints fee that a council may charge, rather than leaving that as an option to exercise at a later date. It should be noted that the amendment will make it necessary for the Bill and the subordinate legislation to come into effect at the same time. As it will not be possible to complete the subordinate legislation in the lifetime of the Assembly, that will result in a delay to the commencement of the Bill and, therefore, a delay in the relief to people who suffer from problems associated with high hedges. My officials are already working on the necessary subordinate legislation with a view to its being ready to progress subject to the views

of the new Minister early in the new Assembly term.

I now turn to amendment Nos 3 and 4, which I have considered carefully. I wish to draw the House's attention to issues that arise from the amendments. Amendment No 3 would make it mandatory for a council to refund the complainant's fee where a remedial notice is issued. Amendment No 4 will require the council to subsequently charge that complaints fee to the hedge owner. Although I understand the sentiment of making the hedge owner pay, I believe that those amendments will raise human rights issues. Amendment Nos 3 and 4 would remove flexibility in the operation of the Bill and add greatly to the administrative burden on councils, as well as causing enforcement complications.

The Bill currently requires a fee, where a council decides to apply one, to be paid up front by the complainant. The insertion of clause 3(9) would mean that the council was required to charge the hedge owner the amount of the fee that it has refunded to the complainant. The effect of that amendment would be that the exact fee paid by the complainant is transferred to the hedge owner. That means that, if the complainant paid a reduced fee, the hedge owner would be required to pay the same reduced fee, regardless of their personal circumstances. Likewise, if the complainant paid the maximum fee, the hedge owner would be required to pay that, regardless of their personal circumstances. Effectively, the amount that a hedge owner would pay would be determined by the circumstances of the complainant. That cannot be viewed as fair.

The Bill provides for a complainant to pay a fee, if levied by the council, for a service from the council. The hedge owner pays for any remedial actions, including ongoing maintenance. That becomes a statutory charge burden on the property. The amendments would then place an additional financial penalty on the hedge owner, increasing the risk of a challenge on human rights grounds due to the unfairness of disproportionate costs being placed on the hedge owner, who may already be arguing that a remedial notice constitutes unjustified interference with the right to the protection of property and respect for private life.

A further issue is that the amendments require the council to refund any fee on issue of a

remedial notice and to transfer that exact fee to the hedge owner. That will lead to significant complications for councils in situations where remedial notices are withdrawn or are subject to appeal. That would see a hedge owner being required to pay the complaints fee, which would be calculated on the basis of the complainant's personal circumstances, and there would be no mechanism for the council to refund that, should an appeal be successful. In such a case, a hedge owner would be paying a fee, even when he or she was found not to have contravened the legislation. Therefore, if the amendments were accepted, it would create difficulties.

The amendments would have another significant and, perhaps, unintended consequence. Clause 3(1)(b) provides councils with the discretion to charge a complainant a fee for handling a high hedge complaint, which would cover the initial administrative and investigative costs and help to deter frivolous and vexatious complaints. Councils also have the discretion to charge a reduced fee or waive the fee in certain circumstances. Examples of those circumstances will be set out in the guidance. They will include such issues as ability to pay.

The amendment to clause 3(8) would require councils to refund any fee only when it issues a remedial notice. That means that councils would lack the discretion to refund a fee in any other situation. Consider the case of a complaint about which a council has decided that there is insufficient evidence that all reasonable steps to resolve the high hedge problem have been taken and, therefore, decides not to proceed with it. Under this amendment, the council could not refund the fee, even if it considered that the personal circumstances of the complainant were such that the reasonable course of action would be to refund the fee or part of it.

The refund mechanism being proposed by the amendments introduces the need for the council not only to reimburse the complainant but to recoup the fee from the hedge owner, who is likely to be resistant to paying. That is a reasonable supposition, given the additional burden of complying with the remedial notice, which requires the lowering of the hedge, and especially since the hedge owner will be obliged to pay the fee originally charged to the complainant, even if they successfully appeal against the notice. Recourse to the courts may then be the only way for a council to obtain the fee. That will substantially increase the council's

costs, as it is likely that the court costs will be significantly greater than the amount of the fee that the council is trying to recover.

The Bill, as drafted, will require the council to collect the fee from a complainant; assess the legitimacy of the complaint; determine whether there is a problem; issue a remedial notice, if required; undertake enforcement action in the event of non-compliance; attend appeals; and, in default, carry out the remedial works. That is a reasonably substantial increase in councils' administrative burden. However, amendment Nos 3 and 4 would further increase that burden by placing a duty on councils to refund the complainant's fee and to subsequently charge the hedge owner. They are also likely to be involved in court action to recover that fee and, where there are several persons responsible for the hedge, determine who should pay what. Those amendments, therefore, add a level of administrative complexity that is highly likely to cause significant problems for councils carrying out that responsibility.

Stand-alone amendment No 4 would mean that the council would have to charge the hedge owner if it refunded the fee, even in cases where the council decided that the hedge did not meet the criteria, where the complainant had not made reasonable attempts to resolve the problem or, even worse, in cases where the council decided that the complaint was vexatious.

The Bill is intended to make council action in dealing with high hedge complaints effectively an administrative action, but the amendments would make it more of a judicial process. On that point, it should be noted that councils are not equipped to carry out judicial investigations into the relative fault and financial means of parties of the type required in assessing and apportioning the costs to be borne by a plaintiff and defendant in the case.

I ask the Assembly to consider the issues that I have raised. If the Assembly decides to support amendment Nos 3 and 4, we will have to look strongly at subordinate legislation, guidance and so forth to ensure that a number of the complexities and problems that I have raised do not come to light. As an alternative, we can consider working on this over the next number of weeks before Further Consideration Stage, if Members are not minded to take the amendments forward today. There are problems

that have not been properly thought through or dealt with, and we could be left apportioning a considerable burden to local government on a piece of legislation that is strongly supported by the public. So, although, in principle, I accept where the amendments are coming from and that they are inherently fair, they raise difficulties and problems that I ask the House to reflect on.

5.45 pm

The Chairperson of the Committee for the Environment: I thank all Members who took part in the debate and welcome some of the Minister's comments about the amendments. I will not go on too long but just touch on Members' remarks and hopefully get some agreement on the amendments.

Mr Ross made a valid point about whether the cap should be at the upper limit; that is something that the Committee would certainly not support. We talked it through, and we need the Department and the council to be aware that that is not the road we are going down. We want to cap a fee, but we want it to act as a deterrent as well. Setting a fee at £600 is too much. That is something that we need to look at.

Mr Kinahan welcomed the amendments, and I thank Members for supporting them. As members of the Committee will realise, we have thrashed this out. We took as much time as we needed to go through the Bill, and I welcome the Committee's efforts. Mr Lytle also supported putting a cap in place, and I thank him for his contribution.

Mr Weir made a valid contribution and spoke about amendments at Further Consideration Stage. In light of what the Minister said, we could look at amendments to improve the Bill. Mr Clarke said that we needed to be mindful about people on benefits and their ability to pay. He brought that to the Committee, and it is something that we need to consider. Perhaps we will try to place something, even if it is through subordinate legislation.

Mr Dallat endorsed the Bill but remarked that perhaps it had been lifted from elsewhere. However, the Committee did a good job of scrutinising the legislation. It is a worthwhile Bill that will work for ratepayers and the public. Fortunately, Mr Wilson agrees. He had some doubts about the amendments this morning, but he has changed his mind, and his comments are welcome.

I turn to the Minister's comments. He clearly outlined the problems. As with all legislation, there is a doubt that we need to recognise. I am concerned that he mentioned the removal of flexibility and the human rights implications, but he said that he would have to look at subordinate legislation. However, we can iron it out in subordinate legislation. Given the fact that we put it to the Department, I am surprised that the Department has not come up with suggestions for subordinate legislation.

From the outset, we looked at the principle that the polluter pays; we want people to be treated fairly. There is no doubt that we can tease that out, perhaps through amendments at Further Consideration Stage or through proper subordinate legislation. With that in mind, I ask the House to support amendment Nos 2, 3 and 4. Go raibh míle maith agat.

Question, That amendment No 2 be made, put and agreed to.

Amendment No 3 made: In page 3, line 29, leave out from "may" to the end of line 30 and insert

"shall be refunded where a remedial notice is issued under subsection (4) or section 7(2)(c)."
— [The Chairperson of the Committee for the Environment (Mr Boylan).]

Amendment No 4 made: In page 3, line 30, at end insert

"(9) Where a council refunds a fee to a complainant under subsection (8), the council shall charge the fee determined under subsection (1) (b) to the owner of the neighbouring land." — [The Chairperson of the Committee for the Environment (Mr Boylan).]

Clause 3, as amended, ordered to stand part of the Bill.

Clauses 4 to 20 ordered to stand part of the Bill.

Long title agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the High Hedges Bill. The Bill stands referred to the Speaker.

Committee Business

Assembly Members (Independent Financial Review and Standards) Bill: Further Consideration Stage

Mr Deputy Speaker: I call Mr Peter Weir to move the Further Consideration Stage of the Assembly Members (Independent Financial Review and Standards) Bill.

Moved. — [Mr Weir.]

Mr Deputy Speaker: As no amendments have been tabled, there is no opportunity to discuss the Assembly Members (Independent Financial Review and Standards) Bill today. Members will, of course, be able to have a full debate at the Bill's Final Stage. The Further Consideration Stage of the Bill is, therefore, concluded. The Bill stands referred to the Speaker.

Adjourned at 5.52 pm.

Northern Ireland Assembly

Tuesday 22 February 2011

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

Members observed two minutes' silence.

Matters of the Day

McGurk's Bar Bombing

Mr Speaker: Mr Gerry Kelly has sought leave to make a statement on the report on the bombing of McGurk's Bar, which fulfils the criteria set out in Standing Order 24. I will call Mr Kelly to speak for up to three minutes on the subject. I will then call representatives from each of the other political parties, as agreed with the Whips. Those Members will each have up to three minutes in which to speak on the subject. As Members know, 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 is concluded. If that is clear, we will proceed.

Mr G Kelly: Go raibh maith agat, a Cheann Comhairle. I thank you for the opportunity to speak on this very serious matter.

Yesterday, I attended the launch of the Police Ombudsman's report on the bombing, which occurred some 40 years ago. It is important to say that, because the report yesterday was the first time in 40 years that the victims of the bombing and their families have been vindicated formally, even though they knew their own innocence. I pay tribute to the families for their dignity, commitment, dedication and unstinting belief in the innocence of their relatives.

Within 12 hours of the explosion, which killed 15 people and injured more than 16 others, the duty officers — three inspectors and a chief superintendent of the RUC — gave a report that compounded the grief of the families. It claimed that the bomb was an IRA bomb and that some of the victims may have been involved in planting it. That report was made despite it very quickly becoming known that there was a loyalist claim for that sectarian bombing, that there was forensic evidence and that there were

three eyewitnesses who saw the bomb being planted. Also, the pathologist's report said that none of the victims had any fragments of the bomb on them, which meant that the bomb was planted in the entrance hall and not in the bar. It is difficult for the families who suffered such grief that this lie went from the RUC report and from the British military, which assisted in it, to politicians who repeated it, including the then Prime Minister, Brian Faulkner, John Taylor and Reginald Maudling, who was the British Home Secretary at the time. It was then briefed to the media.

The present Chief Constable, Matt Baggott, had an opportunity to apologise for the wrong that was done to the families. Instead, he chose to contradict the ombudsman. Instead of showing that we are in a new era of policing and showing leadership in that, instead of apologising, he defended the indefensible. He went back, well before his time here, to something that he may have known nothing about and defended the actions of the RUC at the time, actions that the ombudsman had criticised. In his statement, he closed down the possibility of any further investigations, even though —

Mr Speaker: I remind the Member of the time.

Mr G Kelly: Even though he knew what was ongoing. That is the essence of what I wanted to say. The families showed great dignity in their presentation yesterday but were slapped in the face by the present Chief Constable. That is an abominable and disgraceful way for him to behave.

Mr McCausland: The publication of the Police Ombudsman's report into the McGurk's bombing is an important development. Almost 40 years ago, on 4 December 1971, 15 people were murdered in north Belfast. I hope that the publication of the report will bring some closure

for those who lost family members and friends in the bombing.

Several things stand out in the report, which brings clarity about how the events of that night unfolded and about responsibility for the bombing. It also confirms that there was no evidence at all of collusion. Through the years, there have been many allegations and accusations of collusion between the police and loyalists in that bombing. However, that matter is now settled.

The report is critical of the shortcomings of the police investigation, and that must be recognised and taken into account. It also notes the context of the time and looks at the police investigation in that context. Immediately after the bombing, a major gun battle took place in the surrounding area in which two policemen were shot, five civilians wounded and an Army major murdered. Account must also be taken of the series of killings in north Belfast before the bombing. A few days before, on 1 December, an innocent young woman was murdered by the IRA, and two policemen — including the first Roman Catholic policeman — were murdered by the IRA on 17 November. Those things strike me about the report.

The grief of thousands of people in Northern Ireland is the same as that of the McGurk's families. Many of those families are still waiting for closure and for justice. There is much hurt from murders that have not been resolved and from terrorist crimes that have never been pinned to an organisation or individual. Many who carried out terrible acts still walk the streets freely.

There is a question about the second edition of the report; there was an earlier edition some seven months ago. I pose the question: what new evidence emerged that was presented to the PSNI during that period?

Mr Speaker: I remind the Member of the time.

Mr McCausland: What new evidence was produced that influenced that change? Was that new evidence presented to the PSNI?

There is a certain irony about the statement that Gerry Kelly made this morning. The IRA has a lot of information about the murders that it carried out, and there are lots of families waiting for closure. I appeal for people to be honest, to

come clean about the past and to help with that process of closure.

Mr Cobain: The Ulster Unionist Party welcomes the publication of the ombudsman's report on the McGurk's Bar bombing. Like others, I hope that it brings some closure to the families and to the victims of the bombing and to those who were injured and mentally scarred by that atrocity.

Like many, Mr Speaker, you will know that north Belfast was the scene of some horrendous killings during the past 30 years. More than 2,000 people were killed in north Belfast, which gives some idea of the difficulties for the communities in that area. However, I truly believe that no one benefits by creating new antipathies over issues that happened 30 or 40 years ago.

I do not want to get into historical issues; we need to look forward and not back. However, I found it particularly galling for the representative of an organisation that, for 30 years, practised the bombing of bars and the killing of innocent men, women and children from the Protestant community and of their co-religionists to come to the House and lecture it on an issue like this. When I see some of the destruction that was caused in north Belfast by the Provisional IRA, like many others I am galled when I listen to Gerry Kelly. He promoted the bombing of bars and the killing of men, women and children. He promoted that and belonged to an organisation —

Mr Speaker: Order. I ask the Member not to stray away from the subject matter —

Mr Cobain: I am not —

Mr Speaker: Order. The Member should not stray from the subject matter that is on the Floor.

Mr Cobain: Mr Speaker, I am not straying from the subject matter.

Mr Speaker: Order. The Member really should not challenge the authority of the Chair. I ask the Member to finish. The subject matter is the bombing of McGurk's Bar.

Mr Cobain: Mr Speaker —

Mr Speaker: Order. I understand. Members know that I am pretty liberal about allowing Members to go slightly outside the subject matter. I will allow the Member to continue.

Mr Cobain: Mr Speaker, I do not want to continue unless we can talk in the context that everyone wants to talk in.

Mr Speaker: I appreciate what the Member has said.

Mr Cobain: We feel sympathy for all the innocent victims of the Troubles. However, it is particularly galling when individuals who belong to organisations that actually practised violence come to the House and talk about the outrage at McGurk's Bar. Outrages all over north Belfast were supported by individuals in the Provisional IRA, which used the armed struggle as cover for the killing of innocent individuals.

10.45 am

Mr A Maginness: I pay tribute to the families of those who were killed or injured in the bombing of McGurk's Bar. They have worked unceasingly to clear the names of those who were the victims of the bombing in 1971. For the past 40 years, they have been rightly aggrieved over the way in which those victims were treated and labelled by the press, some politicians and the police and Army.

It is a moment of vindication for those families, and I pay tribute to them because they never lost their dignity and their thirst for justice. We should also remember that, shortly after the bombing of McGurk's Bar, the late Mr Paddy McGurk asked publicly that those who carried out that atrocious act should be forgiven. He quoted scripture and said:

"forgive them; for they know not what they do."

That was testament to his Christian spirit, and it also reflected the Christian spirit of those who campaigned for so long to clear the names of their loved ones and to get a proper investigation into this grievous atrocity.

I am deeply disappointed by the reaction of the Chief Constable. He has explicitly rejected the central finding of the Police Ombudsman's investigation, which was that there was investigative bias by the RUC. He should have taken the example of the British Prime Minister, David Cameron, when the Bloody Sunday report was published and apologised immediately and without qualification to the relatives of the McGurk's Bar victims. It is with sadness that I say those things, because I have immense respect for Matt Baggett. He has been badly advised on the issue, and he should reflect carefully on what has been said. Whoever penned that statement and put his name to it did not reflect what I think are the fine qualities

that that man has and the leadership that he has given to the PSNI. Unfortunately, it is damaging not just to his standing but to the standing and the reputation of the PSNI.

Mr Speaker: I remind the Member of his time.

Mr A Maginness: In conclusion, I hope that the Chief Constable will today or as soon as possible meet the relatives of the McGurk's Bar victims. I reiterate the SDLP's support for the ombudsman and his office and the authoritative and definitive way in which he has dealt with the matter.

Dr Farry: I, too, pay tribute to the determination of the families of the victims of the McGurk's Bar bombing for their pursuit of the truth over the past 40 years. I also welcome the publication of the Police Ombudsman's report. The bombing was one of the major atrocities of the Troubles, and the report provides further clarity on what happened and reinforces what has been understood for some time to be the context of the bombing and the source of responsibility.

Although there may not have been any collusion by the police, there were major failings in the assumptions that were made by the police and the quality and nature of the investigation into the bombing. That problem was compounded by political leaders and by the state thereafter. No doubt, that approach compounded the hurt and suffering of those who lost loved ones. Hopefully, the report will bring some closure. Obviously, a Police Ombudsman's report deals only with one aspect of an investigation, which is how the police interacted, and not with the wider issues. That points to the need for a much wider process for how this society deals with the past. There are many such cases that need to be addressed. We, as political parties, and the two Governments must always be mindful of our duty to ensure that we define a process soon so that we can capture all the different demands for truth and justice.

With regard to the police, although I recognise that there were major failings in the early 1970s, it is worth reminding ourselves that considerable progress has been made with regard to the nature and quality of policing, particularly in the post-Patten period. Although the report on the police is damning, I would like to think that such an episode could not happen today and that, if there were any risk of it happening, we have safeguards in place to

ensure that any shift in that direction would be addressed.

It is important that we recognise the families' determination and the importance for them of closure. We must also recognise that people seek closure for many other cases in Northern Ireland.

Ministerial Statements

North/South Ministerial Council: Transport

Mr Speaker: I have received notice that the Minister for Regional Development wishes to make a statement to the House.

The Minister for Regional Development

(Mr Murphy): A Cheann Comhairle, in compliance with section 52 of the Northern Ireland Act 1998, I wish to make a statement on the tenth meeting of the North/South Ministerial Council in the transport sector, held in Armagh on Wednesday 9 February 2011. The Environment Minister, Edwin Poots, chaired the meeting. He has approved this report and agreed that I make it on his behalf. The meeting was also attended by Pat Carey, Minister for Community, Equality and Gaeltacht Affairs, Transport and Communications and Energy and Natural Resources. Minister Poots welcomed Minister Carey to his first NSMC transport sector meeting.

In relation to the City of Derry airport, it was noted that officials from my Department and the Department of Transport would soon meet on that issue. Progress on the Dublin-Belfast rail link was discussed. It was noted that, since the reconstruction of the viaduct at Malahide, passenger numbers have increased and stabilised. Ministers welcomed the additional stop of the Enterprise service at Lisburn, which is now operational, and noted that a new Newry to Dublin early morning direct service arriving at approximately 8.35 am is provisionally scheduled to commence at the end of March.

Senior officials from the two rail companies made a presentation to Ministers addressing the issues raised in the Enterprise rail seminar report. The two companies are planning measures to be taken forward over the coming 18 months that align with suggestions made in the report, including the provision of wi-fi, a new PA system and improvements in reliability.

We discussed progress on the A5 and A8 road projects. Ministers noted that draft orders and environmental statements were published for the A5 project in November 2010 and for the A8 Belfast to Larne project in January 2011. A public inquiry into the A5 project is anticipated in May or June 2011.

The Council also noted that the cross-border steering group has produced an agreed report and that, subject to final approval by the NSMC plenary, a further request for drawdown of £11 million be made.

The Council welcomed the continuing collaboration on road safety strategies and campaigns and on work undertaken on the mutual recognition of penalty points, the vehicle keeper data exchange pilot scheme and measures to tackle drink-driving, including the possible harmonisation of blood:alcohol concentration levels in both jurisdictions. Ministers discussed co-operation on vehicle standards and welcomed co-operation between the Driver and Vehicle Agency enforcement section, supported by the PSNI, and the Road Safety Authority, supported by an Garda Síochána, and the continuation of the joint intelligence-led targeted operation in border areas for 2011, which targeted buses, taxis, modified cars and goods vehicles.

A report and recommendations related to cross-border community-based rural transport was discussed. Ministers discussed progress on the five priority areas of the all-Ireland freight forum and its proposed future activities. Ministers noted that this work will be taken forward by a steering group comprising the Irish Business and Employers' Confederation-Confederation of British Industry (IBEC-CBI) joint business council, InterTrade Ireland and senior officials of the Department for Regional Development and the Department of Transport.

We welcomed plans for an all-island bike week 2011 from 18 June to 26 June; a cross-border schools challenge event to be held during the walk-to-school week in 2011; and a pilot personalised travel plan initiative in Adamstown in Dublin and in Galliagh in Derry.

Ministers also welcomed the success of the Department for Regional Development and the Department of the Environment in securing Plugged-in Places funding of approximately £850,000 from the Office for Low Emission Vehicles to support the installation of electric vehicle charging infrastructure. We noted that the Electricity Supply Board will continue to play a role in ensuring the linking of plans throughout the island of Ireland.

As part of the NSMC we considered two papers relating to the work of the North/South Language Body and agreed to designate a person nominated by the two sponsor Departments and agreed

by the board of the Ulster-Scots Agency to act as interim chief executive officer of the Ulster-Scots Agency from 21 March 2011, pending the appointment of a substantive chief executive. We also noted that the process to appoint a substantive chief executive has commenced.

We also noted the current position in regard to the core funding organisations undertaken by Foras na Gaeilge. We agreed that, if satisfactory progress is made on implementation, Foras na Gaeilge may continue to provide interim funding to existing core-funded organisations to the end of December 2011. We will seek a further progress report on that at the next NSMC meeting in language sectoral format.

The Council also considered a paper relating to Waterways Ireland, and it approved the granting of a 99-year lease to Offaly County Council for the proposed reconstruction of a cantilevered footway crossing the Grand canal at Cox's bridge in Tullamore, County Offaly. It also approved the granting of a 35-year lease to the friends of the lake community group for an area of the Shannon waterway at the Lakeside Hotel at Ballina/Killaloe in County Clare to facilitate the upgrading of the existing 50 m jetty, a new jetty extension of 38 m and the construction of a new 50 m walkway.

Miss McIlveen: I realise that Minister Carey had many responsibilities to deal with before he left office, but, given that the meeting was in transport sectoral format, will the Minister explain what the North/South Language Body has to do with transport?

The Minister for Regional Development: That is a question that the Member might want to ask of the Minister of Culture, Arts and Leisure, who is one of her colleagues. A number of papers required immediate approval. One was to do with the appointment of an interim chief executive, others involved the agreement to allow Foras na Gaeilge to continue to distribute money, and, as I said, some concerned leases on the inland waterways. Those were important matters that could not wait for the next meeting in language sectoral format, so, at the request of the Department of Culture, Arts and Leisure, they were dealt with at the transport sectoral meeting. Sufficient Ministers were available to do that, including Minister Poots and myself, who were the Ministers from the Northern Executive. The equivalent Minister in the South deals with Gaeltacht matters anyway. That

means that sufficient legal and institutional capacity was available to deal with those issues, which required immediate decisions. The Member will be aware that there is an election in the South this Friday, so I think that there was a genuine desire on the part of DCAL and the language and inland waterways bodies to have some decisions made immediately. It was appropriate to do that. I think that it occasionally arises that there is some urgency on decisions that have to be made, so they get transferred to the next available sectoral meeting under the North/South arrangements.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. I raised this issue with the previous Minister of the Environment, and it is relevant to my constituency and, indeed, to that of the Minister. The display of speed limits changes from mph to kph when people cross the border. I know that Cooperation and Working Together (CAWT) carried out a study of accidents in border areas and that border areas are particularly susceptible to road traffic accidents. The Minister's statement referred to harmonising blood:alcohol concentrations in both jurisdictions. It seems to me that the Six Counties and Britain are the only two areas —

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

Mr Brady: — in Europe that do not display speed limits in kph. Does the Minister think that adopting that would be a worthwhile exercise?

The Minister for Regional Development: The Member is correct to say that the issue has been raised on a number of occasions. He is also correct to say that accidents and deaths caused by accidents are particularly prevalent in border areas. I am not sure that we have substantial evidence to suggest that there is a connection between the two and that a change in the display of speed limits from mph to kph and the slight difference in the actual speed limits as a result of those measurements is the cause of many of those accidents. Nonetheless, it is a subject that we need to continue to look at.

There has been excellent co-operation across the border on road safety, and it is starting to bear fruit. Certainly this year, people have been heartened by the reduction in the number of deaths, even though it is obviously still too high. Such accidents are a great tragedy for all the families and households involved. As I said, there has been a substantial reduction in

the number of deaths, and the Department of the Environment, the Department for Regional Development and the equivalent Department in the South will continue to look at ways to improve that. If that involves looking at the display of speed limits in kph and mph, we will keep an open mind about it.

11.00 am

Mr Kinahan: I thank the Minister for his report. He will, probably, have expected me to raise the issue of the drawing down of a further £11 million for the A8 project. There has been an overall spend of millions of pounds to achieve just three minutes' less travelling time. The traffic numbers on that road are lower than the original figures, and many farms are being destroyed. Has the Minister, at the NSMC meetings, raised the possibility of reducing the specification of the road from that motorway type, so that the A8 can fit through the centre of Ballynure, where there is a very wide section already? If that was done, it would prevent the destruction of the livelihoods of many farmers and would save millions of pounds, which is important at this time.

The Minister for Regional Development: I have seen the situation in Ballynure, and I am very sympathetic to farmers who are losing their lands. Nonetheless, there is a sense that, even though the Member says that there has been an improvement of only three minutes' travelling time, at certain times in the day, particularly when ferries offload in Larne, traffic can build up substantially and then move on. It is not a morning or an evening rush hour; the times at which ferries arrive at Larne are when significant delays are created.

The road has been presented as is, and there will be an opportunity for a public inquiry. There is the obvious issue, if the route was to continue through Ballynure village, of the separation of the two sides of the village and the related dangers. There have been at least three deaths in Ballynure, and there have been about 10 deaths on the A8 over recent years. Those issues need to be considered and factored into the design of a new road, but there will be an opportunity at the public inquiry for people to present a case in that regard. The project will go ahead, as designed, until the design and the arguments around it and the chosen route have been tested in the public inquiry.

Mr McDevitt: I thank the Minister for his statement. I am sure that he shares my concern that average train speeds on parts of the Dublin to Belfast rail link are slower today than they were during the Second World War. Does he agree that, across the island, the need for urgent and significant prioritisation of capital investment in that rail line must now be top of the agenda? Some experts fear that it could become an unsustainable and, regrettably, downturning rail link.

The Minister for Regional Development: I accept that there is a need for ongoing capital investment. Indeed, we were presented with a set of investment proposals from Iarnród Éireann and Northern Ireland Railways, which, at their highest level, amounted to between £700 million and £1 billion in investment. As a member of the Committee for Regional Development, the Member will understand how challenging that would be, set against the context of a 40% cut in our capital budget. There is a very strong desire to continue to improve.

The Dublin to Belfast line is not the only rail line that we have. There is a worrying sense that, if the Belfast to Derry line is not properly invested in, it will have even worse consequences for the future of that line than just low train speeds and efficiency of journey time, which are the issues on the Belfast to Dublin line. Some difficult decisions will have to be made. My concern is to ensure that we keep lines open and then progress until we find the investment to improve the service on those lines.

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

A report has been produced, and we received a presentation from Iarnród Éireann and Northern Ireland Railways at the meeting. Improvements are to be made in the efficiency of the stock and in Wi-Fi provision and PA systems. I raised with both companies the issue of information for passengers. When delays are experienced, it is important that passengers understand why they are happening. The Department for Regional Development and the Department of Transport intend to invest as much as they possibly can to improve that service, given the challenging circumstances in which both Departments find themselves. There are challenging circumstances on the Southern side as well. It is the premier service on the island. The predictions are for very substantial

growth in the population along the eastern seaboard. The Member will be aware that, as I said in the statement, we have announced a series of improvements, including a stop at Lisburn, an earlier commuter stop at Newry to take commuters into Dublin and ongoing improvements on the line.

Although we would like to make the type of investment that would bring the line up to the desired standard, it is a substantial investment. We have to operate within the finances that are available to us. There is a strong desire to continue to improve that service.

Ms Lo: Given that there will be a change of Government down South and the pending public inquiry on the A5 project, was the future of the A5 project discussed at the meeting? Was there a reconfirmation of their commitment to a financial contribution?

The Minister for Regional Development: The commitment of the current Administration in Dublin has never been in question. It would not have been appropriate to discuss with an existing Government Minister who the future Government might be, because that would almost have assumed that he will be out of office. The predictions are that there will be a change of Administration in Dublin, and we will have to see what they say. I know that the leader of Fine Gael, who, by all accounts, is expected to be the next Taoiseach, has made public commitments to the A5 project. I expect that those will be evidenced, under whatever Administration is elected in Dublin on Friday, at another meeting of the North/South Ministerial Council. Our commitment is certainly there; it is budgeted for. We have an ongoing, established and repeated commitment from the Administration in Dublin, and I expect the new Administration in Dublin to live up to that commitment.

Mr G Robinson: Will the Minister expand, preferably with some detail, on the very short paragraph relating to community-based rural transport, which is a vital service for many in Northern Ireland?

The Minister for Regional Development: A report that was discussed at the meeting made a number of recommendations, including proposals for cross-border interdepartmental policy development; interagency co-operation; the two Administrations working together to explore solutions for dealing with the legislative

and regulatory barriers that inhibit cross-border rural community transport; standardisation of the SmartPass and free travel pass; and expanding the remit of the rural transport programme.

As the Member will be aware from previous reports, there was a pilot scheme between Fermanagh and Cavan. It threw up some technical or legislative issues of standards of vehicles and licensing of operators in a cross-border context. The exercise was very useful in exploring some of the issues and difficulties that we face. The report makes a commitment to improve the work that has been done, learn lessons from it, and start harmonising arrangements in the border areas across the range of areas that I outlined.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. Ta trí ceisteanna agam don Aire. What is the significance of the publication of the draft Orders and environmental statements for the A5 project? Further to that, will the Minister detail the remaining timeline for the completion of the A5 project? May I also seek an assurance that the Department is listening to those who are will be inconvenienced by the road traversing their land and that they will be properly compensated?

The Minister for Regional Development: The publication of the draft Orders is very significant. Formal assessments of the preferred route, the environmental impacts, the vesting orders and all of those issues are necessary parts of road building. As I have often said in the Chamber when answering questions about roads, the longer part of road building is getting through that process and establishing a firm legal footing for a new road project.

The publication allows us to move to the public inquiry stage, which I have announced will begin in May or June. That inquiry will probably take some time, because this is the biggest road project ever undertaken on the island. I imagine that the public inquiry will have a number of locations along the route to facilitate the very high level of interest. That will allow the statutory Orders that have been published to be tested to see whether they stack up and afford people the opportunity to make their case in relation to the road project.

I am fully aware of the concern in the farming community. It is understandable, given the scale of the project and the large number of farmers

and other landowners who are affected. Roads Service and the consultants Mouchel have continued to meet landowners. In addition, a series of public exhibitions were held during the first week of November to keep farmers and the wider public up to date prior to the publication of the draft Orders. Coming from a farming background, I realise the attachment that people have to the land. The project is very welcome, but the people who live along that route have rights, such as the right to adequate compensation for any land loss and the right to proper access to ensure that they continue to make their farms viable. I expect Roads Service and Mouchel to address all those matters in their discussions with landowners.

I am trying to remember the Member's third question.

Mr McElduff: It was about the remaining timeline.

The Minister for Regional Development: The remaining timeline will depend very much on whether the public inquiry, which will begin this year, agrees with the proposition from Roads Service and the National Roads Authority in the South. If all that goes according to plan, construction will begin in the next year or so and will conclude in, I think, 2015-16.

Mr Deputy Speaker: I remind Members that we are looking for one question only.

Mr Bresland: I thank the Minister for his statement. What has been done to improve the track on the Dublin to Belfast line to allow for faster train times?

The Minister for Regional Development: A number of areas, some of which are structural, need to be improved, particularly at Knockmore near Lurgan. A number of crossings along the Dublin to Belfast line cause the train to slow down, and the speeds are obviously not what we would like them to be. There is also an issue with the efficiency and reliability of the stock itself. Therefore, improvements are certainly being made to try to improve the efficiency of the engines and the rolling stock and to improve the service on the train.

As per the 2020 vision, the longer-term intention for the Enterprise service is to provide an hourly service with a 90-minute journey time. As I say, a number of track works have been identified, including an additional track

should the new transport hub in Belfast go ahead, and that would shave off some time. Given the improvements that have been made to the road between Belfast and Dublin, it is important that the railway keeps up. I always advocate that people should use the railway, where possible, because it is a much more pleasant way to travel. We want to ensure that that is a good experience for people, and that includes faster journey times, which require a very substantial investment. The Departments, North and South, are committed to doing that, but both recognise the very difficult financial circumstances in which the two Administrations find themselves. There is a commitment to try to find the resources to do that in future. In the meantime, we have a progressive, incremental policy of trying to improve the service wherever we can through the vehicles themselves and the services on the train.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an ráiteas a chuir sé faoi bhráid an Tionóil inniu. Ba mhaith liom ceist a chur air faoin athbhreithniú atá ar bun ar na heagraíochtaí Gaeilge croí-mhaoinithe. An féidir liom a fhiafraí den Aire an bhfuil sé sásta go dtabharfar san áireamh le linn an athbhreithnithe na cúinsí ar leith a imríonn tionchar ar na heagraíochtaí Gaeilge sa chuid seo den tír i gcomparáid leis na cúinsí atá i bhfeidhm ar na heagraíochtaí sa chuid eile den tír?

I thank the Minister for his statement. The Minister mentioned the languages body, in particular the review of the core-funded Irish language organisations. Is he satisfied that the review being undertaken by Foras na Gaeilge will take into account the different circumstances in which the core-funded Irish language organisations here work compared with those in the other part of the country?

The Minister for Regional Development: The Member will be aware that that is not my area of responsibility, so I am operating on the basis of information that DCAL has given to me. I have been told that a steering committee was established comprising the chairperson and CEO of Foras na Gaeilge and representatives of the sponsor Departments to oversee and monitor progress on the implementation of the review. Two meetings of the steering committee have taken place to date. To ensure communication with key stakeholders during the process, an advisory committee was established in January 2011 comprising

representatives from Foras na Gaeilge, the sponsor Departments and the core-funded organisations. One meeting of that advisory committee has taken place to date. I cannot say how satisfactory that has proved. However, I am sure that the Member will be in touch with some of those who are represented on that committee and will have an opportunity, through the Committee for Culture, Arts and Leisure, to make enquiries of the Minister of Culture, Arts and Leisure. That is the information that has been given to me to date.

11.15 am

Mr I McCrea: In his statement, the Minister referred to sustainable travel and transport and the welcoming of the successful securing of funding for Plugged-In Places. Given that that deals in part with reducing carbon emissions, has the Minister considered reducing the number of North/South Ministerial Council meetings, thereby playing his part in reducing carbon emissions through less travel? Has he considered using videoconferencing to try to reduce carbon emissions?

The Minister for Regional Development: The Member will be pleased to know that I use less carbon travelling to North/South Ministerial Council meetings than I do to come here. Perhaps the argument is that I should come here less often. As the Member knows, North/South Ministerial Council meetings are held in Armagh in my constituency. Therefore, that is a much shorter journey for me, and a much more pleasant experience to stay in my constituency.

We are continuously looking at ways to reduce carbon emissions. Plugged-In Places, albeit that it is in its very early stages, is an important initiative for the Minister of the Environment, Minister Poots, and me. There will have to be testing to try to get the correct infrastructure for electric cars, and I do not doubt that future Administrations will look at the vehicles Ministers use and whether it is possible to get a successful electric car scheme up and running. Given that part of our Programme for Government contains the ambition to reduce carbon emissions; when the infrastructure, technology and vehicles are widely available, Departments should look towards the use of electric cars.

We have not looked at videoconferencing. Quite a number of people are involved in North/South Ministerial Council meetings; it is not simply

the three Ministers. For example, we had a presentation from both railway companies and, as Members can see from the statement, a wide range of issues was discussed. Meetings can sometimes involve eight or 10 officials on each side. Therefore, I do not think that videoconferencing would work necessarily.

Nonetheless, I think that the meetings are important, and their outcomes and product are evident in the reports that are brought back to the Assembly and the Executive. Very useful initiatives come from the meetings, particularly on sustainability, which is an area in which we have picked up quite a bit of information and experience from what has been happening in the South across a range of issues. The Member will be pleased to know that people from Dublin came to talk to us and Belfast City Council about the bike hire scheme that was operated very successfully in Dublin. There has been value, through sustainability and sustainable transport initiatives, in the engagement between both Administrations. However, I am sure that we can look at ways to reduce our carbon emissions while we are doing that.

Mr Campbell: The Minister mentioned the public inquiry into the A5 and its expected start date. He also mentioned the possible new Government in the Irish Republic and their connection to that. Without pre-empting the outcome of the public inquiry, if it transpires that the full anticipated scheme originally envisaged for the A5 does not proceed, will the Minister ensure that he takes steps to maximise the amount of money coming from the Irish Republic's Government to make sure that other road schemes may benefit from travel between the Republic and Northern Ireland? We are all interested in promoting cross-border and international travel.

The Minister for Regional Development: I am very pleased to hear the Member's commitment to that, which some people sometimes doubt. However, he recognises the realities of the north-west in particular, where Derry, Donegal and Tyrone are interdependent. The area functions better as a single region and needs substantial investment in infrastructure to catch up with other parts of the island. Any analysis of infrastructure on the island shows that there is a glaring gap in the north-west, not just on this side of the border but on the Donegal side too. The Member will be pleased that the draft Budget allocation that I have put forward

includes almost £0.5 billion of infrastructure investment in the north-west. I think that that is very necessary. I assure the Member that we are operating on the basis that the plans for the A5 as agreed in the North/South plenary meetings between the Executive and the Dublin Government are going ahead and that those plans will survive a new Administration in Dublin. The indications are that they will, but nonetheless we will test that.

However, of the money put forward as part of the development plan in the South, an additional €10 million was identified for cross-border roadworks. The South has also recognised that there is strong value in trying to support an all-Ireland economy and in making sure that we have the ability to connect with each other and to transport goods and services quickly. That enhances business opportunities and also enhances the attractiveness of the island as a whole for investment.

If the A5 picture changes, I will need to have a discussion with the Minister of Finance and Personnel, but I will argue strongly, as the Executive accepted in their Programme for Government, that there is a need to rebalance investment and infrastructure here. The western and border areas in particular have suffered from historical underinvestment. To enhance the economic capabilities of our region and the island as a whole, the Executive need to invest there.

Craigavon Area Hospital: Clinical Practices

Mr Deputy Speaker: I have received notice from the Minister of Health, Social Services and Public Safety that he wishes to make a statement to the House.

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I wish to make a statement following the recent allegations over unsafe clinical practices at Craigavon Area Hospital. It has specifically been alleged that X-rays are not being reported on by appropriately trained staff and that outpatient reviews are being arranged on the basis of patients' names, with appointments assigned to patients in alphabetical order.

I take all legitimate concerns very seriously. It is my priority to ensure that everyone receiving health and social care is provided with the safe, quality services that everyone deserves.

Following extensive negative media coverage last Thursday, I held an urgent meeting with Mairead McAlinden, the chief executive of the Southern Trust, and John Compton, the chief executive of the Health and Social Care Board. The purpose of the meeting was to clarify the situation and seek assurances that the allegations were unfounded. I have been assured that the claims are unsubstantiated and have only served to cause unnecessary public anxiety.

Let me confirm the current position: in the Southern Trust, as in other trusts, X-rays are examined and assessed by the appropriate clinician and are reported on in accordance with national guidance. However, I am aware of pressures in the radiology service that have resulted in some delays in reporting. All trusts are acting to ensure that they are doing whatever possible to minimise delays. I take the matter very seriously and have asked the Regulation and Quality Improvement Authority (RQIA) to conduct a review on the reporting and handling of X-rays. I will receive the RQIA's initial report before the end of March and will take action to address the priority issues identified.

The Southern Trust has advised me that it is simply not the case that people are given outpatient appointments in alphabetical order; rather, outpatient appointments are arranged according to clinical priority. That is determined by the clinician in charge of outpatients' care. It is the

right of any member of clinical staff to raise concerns publicly, but it is their responsibility to exhaust all internal mechanisms for raising those concerns first.

It is both concerning and disappointing that a very small number of staff in the Health Service may choose to raise concerns through the media rather than use the systems in place in their workplace. Robust arrangements are in place to ensure that any staff who have concerns about patient safety have ways of bringing them to the attention of senior staff. Those systems have been put in place specifically to allow staff to raise issues and to be assured that action will be taken.

It is true that there are lengthy waits for some outpatient appointments, particularly for review or follow-up appointments, and that is unacceptable. That is why the board and trusts have been set a target to ensure that, by March 2012, all patients must be seen within the timescale determined by their clinician. I expect all trusts to achieve that standard. To help achieve the challenging targets that have been set, I have invested in outpatient services. I provided £7.3 million last year and will provide a further £6.3 million this year to improve waiting times for outpatient services.

No one can have failed to notice that waiting times for a vast range of services have continued to rise over the past year. There are some specialities in which we know that demand has been high and there are ongoing difficulties in meeting targets for new and review appointments. We need to act to ensure that the capacity of trusts can meet the real and justifiable level of demand. That is the board's responsibility, and I expect it to work with trusts to provide the capacity that is needed to improve waiting times for all patients. I also appeal to patients to do all that they can to attend hospital appointments. Any person who is unable to attend should let the clinic know. By not attending, people are denying others the opportunity to be seen at a hospital clinic. Increasing waiting times should not come as a surprise to anyone. I have warned time and again that cuts to the health budget could only impact on the delivery of services. The fact is that cuts to my budget can be directly linked to the continued increase in waiting times. With the prospect of further severe cuts, the situation will only get worse.

There is no doubt that the Health Service is facing significant and increasing pressure. Staff are stretched to their limits as they strive to meet rising demand and continue to provide high quality care to services. I have met with staff and realise the pressures they are facing. At the same time, they have also had to contend with a constant barrage of negative media coverage, which has left many feeling demoralised. Increased pressures and limited funding have made this a very difficult time for health and social care staff. We are all indebted to the commitment and dedication of staff across health and social care. For them to also have to deal with people calling into question their professionalism and integrity is deplorable. I again appeal to the Assembly and the public to stand by our health and social care service, instead of using it as a political football. It is something that everyone should value, respect and protect.

The founding principle of the NHS is cradle-to-grave healthcare that is free at the point of delivery. We must all decide whether that is worth fighting for.

The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells): I welcome the Minister's decision to bring in the RQIA to carry out a full review of X-ray services in Northern Ireland. That is what is required. As he knows, the Health Committee will question the Southern Trust and the Belfast Trust about this issue this afternoon. Does he agree that the one thing that could come out of all of this is that we have a set of protocols throughout the five trusts in Northern Ireland as to how X-rays are dealt with, so that someone going into a hospital with a certain condition will know that a certain individual at a very definitive level in the Health Service will examine that X-ray and report on it in a specific time frame? What has come out of all of this is the great variation among trusts in how X-rays are dealt with. If some degree of consistency comes out of the report, it will be good for all of us.

The Minister of Health, Social Services and Public Safety: RQIA is looking at the process of reporting in each of the trusts. There is a difference between that and looking at the whole X-ray process. We have invested in a patient administration system, which is new IT. Some of that is very advanced. It has not gone in to all trusts at the same time, but it has worked its way through them. The Western Trust,

for example, has its system in place. That is all virtually complete, as I understand it. There has been a differential in rates. That system of information has thrown up variations. That is something that we are already on top of. That is why I have set the target for March next year for all reviews to be seen within the time that is determined by the clinician. All trusts, as I said in my statement, will be required to follow that.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. I also met the chief executive of the trust, and we had a full and frank discussion about the matters that have been raised. I welcome the RQIA inquiry into the X-rays. We await the result of that inquiry with interest.

The Minister made an interesting comment in his speech. He said:

"I have met with staff and realise the pressures they are facing. At the same time, they have also had to contend with a constant barrage of negative media coverage".

Is it not the case that the person leading that "negative media coverage" is you, Minister? However, I welcome your comment that we should stop using our Health Service as a political football. If we can all agree with that, including you, we can move forward —

11.30 am

Mr Deputy Speaker: May we have the question, please?

Mr O'Dowd: The question is this, Minister: there has been much speculation that the Minister is about to walk away from the Executive. I call on him to walk into the Executive and conduct a positive engagement with his Executive colleagues. Can he reassure the House that that is his plan?

The Minister of Health, Social Services and Public Safety: I am not sure of the relevance of that diatribe as far as my statement is concerned. However, it is an example of using the Health Service as a political football. To use a statement on X-rays to make political points and make —

Mr O'Dowd: That was in your statement.

The Minister of Health, Social Services and Public Safety: If Mr O'Dowd —

Mr Deputy Speaker: Order. Will the Minister resume his place?

The Minister of Health, Social Services and Public Safety: Is it by leave of Mr O'Dowd?

Mr Deputy Speaker: I said yesterday that I would have no hesitation in naming anyone who shouts across the Floor. That applies equally, irrespective of who it is. Minister, continue.

The Minister of Health, Social Services and Public Safety: Thank you, Mr Deputy Speaker. That was a classic example of using the Health Service as a political football, and shame on Mr O'Dowd for making clearly political points. Being part of an Executive is a two-way thing. You cannot, for example, be part of an Executive negotiating a Budget only to discover that Budget negotiations are called off for several months and a Budget that was supposed to have been agreed last autumn does not get agreed until a week before Christmas. Two weeks before Christmas, all goes quiet and then you are called to belt up to Stormont Castle one night, where this is thrown at you. That is an example of being excluded. It is not about inclusion: it is about exclusion. I have fallen into John O'Dowd's trap. I have talked politics — shame on me for doing that too — but shame on Mr O'Dowd, because that seems to be all he is interested in.

Mr McCallister: I welcome the Minister's statement. Like others, my colleague Mr Gardiner met the Southern Trust over this very issue, and, like other Members, I welcome the RQIA's involvement. Will the Minister elaborate on existing pressures on radiology? Will such pressures increase with the Budget settlement?

The Minister of Health, Social Services and Public Safety: As far as the issues are concerned, the claim that patients were arranged alphabetically is nonsense. The claim — carried and supported by politicians on various media programmes — that clerical staff were reading X-rays was, again, nonsense. There are issues regarding the review, and I have set a target that by March next year those reviews will be carried out according to the clinician who determines when that will happen.

There is a process: the X-ray is taken; the appropriate clinician reads it and determines the action; and then a radiologist reads the X-ray at the end, in what is called the gold standard, to make sure that nothing has slipped through. We will make sure that that process is ongoing. However, the fact is that the Health Service is underfunded. The fact is that, come 1 April, the

Health Service will, in effect, enter chapter 11. That is because — I have explained this over and over — pressures on the Health Service will become such on 1 April that, coupled with the insufficient money allocated, if it were a business, it would be bankrupt.

I know that the Budget was described as an early Christmas present by the Finance Minister, and I heard the First Minister say that it was obscene for me not to cheer it. He wants me to cheer for the bankruptcy of the Health Service, for this early Christmas present. If that is their idea of an early Christmas present, I would not like to spend Christmas in the Robinson household.

Mr Gallagher: I thank the Minister for his statement and commend the chief executive of the Southern Trust for reacting speedily last week when the issue came into the public domain. I met the chief executive last Wednesday.

I want to ask the Minister about the new target for review appointments with all the trusts. The timescale for that is more than 12 months away, and that will be worrying for patients who are caught up in this. Given that it will take a year to get to grips with it, is that just confirming that there is a mountain of review cases across all the trusts?

The Minister of Health, Social Services and Public Safety: No. The Member is right: this is a huge issue, and there are one and a half million appointments per annum. The Southern Trust alone is looking at 300,000 a year. So, there are waits, and, although I understand that they are not huge numbers, the numbers are enough to give us concern.

Like the Member, I talked to Mairead McAlinden last week, and she was seriously offended at and concerned about the way that the avalanche of negative publicity has suddenly hit her trust. The service is the staff who run it, and the staff take those comments personally. It is as if we are calling them and their professionalism into question. I have been at pains over and over again not simply to praise the staff but to say in every report, whether in the Western Trust, Altnagelvin or Belfast, that we do not question the professionalism of the staff, which is first-class. We are lucky to have the health and care staff that we have in Northern Ireland.

We will have the review part of the X-ray process fixed by March next year. That is the target. I anticipate that it will be done faster than that, and I have invested money in the process. I wish I could have invested more. However, huge numbers are involved; that is the issue.

Ms Lo: The Minister is right to say that health and social care staff are under a lot of pressure and are going through a difficult time. However, is it not a bit hypocritical of the Minister to condemn the staff who have come out to criticise poor practices in the trusts when he has time and time again spoke out in public about the state of affairs in his Department? Has he not set the trend of a wave of negative comment about the NHS?

The Minister of Health, Social Services and Public Safety: I reject that entirely. In fact, I have been an advocate for the Health Service from the day and hour that I walked into this job. I regret to say that Anna Lo was one of those who found herself able to go through the Lobby to vote for cuts to the health budget. That is profoundly regrettable. Some of that negative publicity comes from the fact that our staff are struggling to provide a service because it is under-resourced and underfunded and because they are stretched.

The processes for complaints are well laid down. Staff have a duty in their contract to report examples of where a patient's care is unsafe or the quality is not perfect. Most of them do that. Regrettably, some of them — very few — prefer to report to radio and television and other media. That is by no means helpful because it takes everybody by surprise. The chief executive certainly had no prior warning of this at all. From looking at the records, they were not aware of anybody in the trust who was voicing those concerns either to the chief executive or to the medical director. There is an issue there.

Mr Easton: Can the Minister explain why members of staff felt the need to go to the media if their claims have not been substantiated? Can he also tell us why outpatient clinics that have been cancelled by consultants have yet to be tackled? If those clinics went ahead, surely there would not be a rise in the outpatient waiting list.

The Minister of Health, Social Services and Public Safety: I answered the first part of his question when I responded to Anna Lo, and I

have answered it on a number of occasions. Maybe the Member was not listening.

We have a loyal and professional core of consultants in our hospitals who provide a very good service. This is not the first time that I have heard such attacks on consultants, and they are not helpful. There are issues with cancelled clinics, and we have targets. We have invested in and are working on all those areas, not least the issue of “Did not attends”. With the best will in the world, clinics will get cancelled, not least because we are dealing with large numbers of sick people who will often take sick on the day of their appointment.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. As other Members have done, I welcome the Minister's statement; it is important that he brings such information to the Assembly. It also saves me from trying to table questions for oral answer to get more information.

I hope that the Minister will not say that I am being political. I will ask two substantive questions based on his statement. The Minister said that the X-rays are seen and assessed by the appropriate clinician. Will he give more detail on what he means by the appropriate clinician, and is the definition of the appropriate clinician the same in other trusts? He went on to say that there were pressures in radiology that resulted in some delays. What were those pressures, and do those pressures exist in the other trusts?

The Minister of Health, Social Services and Public Safety: I will answer the final question first. For example, at Altnagelvin Area Hospital, where there was an issue with reporting, 13 consultant radiologists should be in post, but the hospital had nine, as a result of retirements, natural wastage and so on. Consultant radiologists are difficult to find. It is not a case of putting an advert in the paper and recruiting one; it is a specialised profession. Keeping up the numbers is also an issue in the Southern Trust. It would be nice to have more than is needed, but, because the budget is so stretched, that is not possible.

When an X-ray is taken, the appropriate clinician is the doctor or physician who has ordered the X-ray, and they will do the diagnosis and determine the treatment that is to be carried out. After all of that is over, a consultant radiologist will read the X-ray in a review process, to filter

out any X-rays that have slipped through. Waiting times for those reviews are longer than the clinicians are prepared to accept. That is why the clinicians say to me that the service could be or is becoming unsafe, and, as the Minister, I must react to that.

Mr S Anderson: I thank the Minister for his statement. The allegations that have surfaced over the past week have caused great concern to many people in the area and, indeed, further afield. Along with my colleague Stephen Moutray and David Simpson MP, I have been given the opportunity to discuss those concerns at length with the chief executive of the trust. Can the Minister confirm that the procedures for reading X-rays in Craigavon Area Hospital were put in place for clinical reasons and not for financial reasons?

The Minister of Health, Social Services and Public Safety: I can so confirm to Mr Anderson. The process that operates is a national process. It operates in all trusts and, as I understand it, is operational throughout the UK. It is tried and tested, and, as a general rule, it works extremely well.

Mrs D Kelly: I thank the Minister for his statement. I also took the opportunity to meet Mrs McAlinden, and I commend her on how she moved quickly to reassure members of the public who were rightly concerned about last week's news. However, it is important that we do not shoot the messenger, whether that is the Minister or, indeed, the person who went on the airwaves last week. As I understand it, the consultant filled out and sent through the incident forms and there was a communication problem to which Mrs McAlinden held her hand up. No one got back to the consultant on the reviews.

It is my understanding that the review system will itself be reviewed. A consultant does not need to see all reviews, particularly if all tests results are clear. Indeed, I understand that, given the higher population in Craigavon and in all the Southern Trust area and given the growing population and the growing older population, there is a need for additional resources in the Southern Trust area —

11.45 am

Mr Deputy Speaker: Ask a question, please.

Mrs D Kelly: Is there any progress on the capitation formula in relation to the Southern

Trust, which, as I understand it, has been disadvantaged thus far? Under the capitation formula, was the money going to the Belfast area?

The Minister of Health, Social Services and

Public Safety: In Belfast, they could make a counter-argument as far as capitation is concerned. It is a set formula, and I will write to Mrs Kelly with more detail to set the situation straight.

As far as the reviews of X-rays are concerned, those are being carried out by the RQIA. I have asked it to report quickly to me, and I anticipate that it will do that. Most initial X-rays and reviews are seen in a timely manner. That is the situation, but I am looking to improve it.

Mr Brady: I thank the Minister for his statement. The Minister said that it is the right of any member of staff to raise concerns publicly, but it is their responsibility to go through the internal procedures first. In this case, a senior clinician apparently felt the need to go public. Mrs Kelly mentioned the internal mechanisms that are followed, and, in this case, apparently, they were followed but were not followed up. Does that not indicate that issues need to be addressed in the internal system? That would negate the need for senior clinicians to go public.

The Minister of Health, Social Services and

Public Safety: As I have indicated, there are adequate, robust processes in the system to allow staff to do that, and staff normally avail themselves of that. It is regrettable that staff or individuals feel that it is better to go on a radio show, rather than to avail themselves of that process.

The Southern Trust is not aware of anybody in the trust who has voiced those concerns and brought them to the medical director or to the chief executive. That is the point.

Mr Buchanan: I am disappointed that the Minister sought to politicise the issue by attacking the Finance Minister and the First Minister. However, I hope to rise above that and stick to the Minister's statement.

I do not think that the Minister has been overly clear in the answers that he has given. He expressed disappointment in his statement regarding staff going to the media when they should have used systems that were already in place, but I suggest to the Minister that it is clear that the systems that were in place

were not working. What does he intend to do to ensure that there is a robust system in place that is fit for purpose, so that consultants and staff are confident that it is working and will work for them if they use it?

On increased waiting times, is it not partly the case that that has been brought about by cancelled clinics at hospitals to allow the Minister's targets for first-time appointments to be met?

The Minister of Health, Social Services and Public Safety: As I said, we have a robust system in place. Staff avail themselves of it, and, overwhelmingly, that is the normal way to go forward.

Waiting times are slipping because of the money that is available in the system to operate it. The shortage of five consultant radiologists at Altnagelvin Area Hospital alone is an example. If staff are not available, those who are available have to work harder and are stretched more. That is the situation up and down the Health Service.

Mr Deputy Speaker: I remind Members that we are looking for one question, not two for the price of one.

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. Obviously, I welcome the RQIA investigation as the eventual recognition of the problem. Minister, you referred to short-term solutions to address backlogs in various trusts. What is the long-term solution? There is a workforce planning issue and a problem with recruitment of radiologists. What is the long-term strategy to tackle that?

The Minister of Health, Social Services and Public Safety: Mrs O'Neill, the long-term solution, which is in your hands and the hands of the House, is to properly fund the Health Service. If you are not prepared to properly fund the Health Service, you will get — *[Interruption.]*

Mr Deputy Speaker: Order.

The Minister of Health, Social Services and Public Safety: I am being shouted at from both sides —

Mr Elliott: The partnership.

The Minister of Health, Social Services and Public Safety: It is the DUP/Sinn Féin partnership: Mrs O'Neill and Mr Frew, Lisburn

and Magherafelt or wherever. Absolutely. Beauty and the beast. *[Laughter.]*

Mr Elliott: Which is which?

The Minister of Health, Social Services and Public Safety: Oh, I am quite clear which is which.

Of course, the issue, which I keep repeating, is the one that the First Minister got awfully excited about yesterday. It will not go away. Everybody must face up to that. If you want a Health Service that is fit for purpose, it has to be funded. If you want change and have to make changes, you have to make investment in order to get there.

Mr Deputy Speaker: That brings to an end friendly questions to the Health Minister.

Executive Committee Business

Budget Bill: Consideration Stage

Mr Deputy Speaker: I call on the Minister of Finance and Personnel to move the Consideration Stage of the Budget Bill.

Moved. — [The Minister of Finance and Personnel (Mr S Wilson).]

Mr Deputy Speaker: No amendments have been tabled to the Bill. I propose, therefore, by leave of the Assembly, to group the 7 clauses of the Bill for the Question on stand part, followed by four schedules and the long title.

Clauses 1 to 7 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 Bill. The Bill stands referred to the Speaker.

Licensing and Registration of Clubs (Amendment) Bill: Final Stage

The Minister for Social Development

(Mr Attwood): I beg to move

That the Licensing and Registration of Clubs (Amendment) Bill [NIA 19/09] do now pass.

I want to make some preliminary comments before I deal with the body of my contribution. The first is that access to alcohol, conditions that relate to that and penalties that would arise from a failure to apply the law diligently are issues that will occupy the minds of the Assembly, the Minister for Social Development and the Committee for Social Development in the future. Although the Bill will make some useful contributions to all of that business, access to alcohol and conditions that relate to it will require further substantial consideration by the next Assembly mandate. I look forward to that happening.

As is well established, the financial costs alone of alcohol consumption are substantial. One estimate suggests that the cost to the health budget, the police budget and other budget lines, particularly in the context of family breakdown and such issues, and to the overall Northern Ireland exchequer is around £700 million. Therefore, over and above the impact of alcohol on the lives of individuals, families and communities, there is a substantial financial cost, which is measured in hundreds of millions of pounds. That is a further imperative for the matter to occupy the minds of the Assembly in the future.

Last week, I met doctors and people from psychiatric backgrounds to talk about the proposal for the minimum pricing of alcohol. They made the point that alcohol and the use and abuse of alcohol is a contributory factor to the levels of self-harm and suicide in Northern Ireland. Given recent events and without prejudice to what happened in respect of any of those matters, that fact alone is a reason why the issue of alcohol should be more fully addressed.

To conclude my opening comments, I want to make it clear that my mind and, I think, the minds of any Social Development Minister and the Executive should be to get the balance right between, on the one hand, proper enforcement and regulation of the alcohol business in Northern Ireland in all its expressions and, on the other hand, trying to adjust the law, where

appropriate, to enable trade to continue, jobs to be sustained and opportunities to open up. I acknowledge that that is a fine balancing act, but it has been my job to achieve a balance between proper regulation and appropriate enforcement when making proposals in respect of licensing in Northern Ireland, not only for alcohol but for Sunday opening hours and gambling proposals, while trying to ensure that shops, bookmakers and licensed premises are able to trade in a fair and balanced way and in a way that sustains jobs and creates opportunities for economic and tourist development.

I turn now to the Final Stage of the Bill. As Members know, the Bill was first brought to the House by Margaret Ritchie. I acknowledge that all the licensing initiatives that I have been able to take forward have had their birth in the intentions and ambitions of Margaret Ritchie as Minister. In many ways, I have been the sweeper of the initiatives that she led during her three years as Minister. When she introduced the Bill, she had at the heart of her intentions two principles, namely that the law should be upgraded and, where appropriate, toughened to make it more flexible.

At Second Stage, I assured Members that I would take a fresh look at the Bill to ensure that we achieved the proper balance that Margaret Ritchie talked about. Since then, I have had meetings with a number of representative bodies, discussed matters with a variety of Members and followed with interest the Committee Stage of the Bill. With the support of my Executive colleagues, we have a Bill that looks somewhat different to that first introduced in the House, but it is no less fit for purpose.

I take this opportunity to express my thanks to the Executive, to the Chairperson and members of the Social Development Committee for their comprehensive scrutiny of the Bill and to the representatives of all the bodies who spoke to me and presented evidence to the Committee. As I said, I acknowledge the officials, especially those in the Department for Social Development but also those in other Departments, who helped draft the amendments that are now in the Bill.

One of the provisions that attracted media and wider comment was the issue raised at Second Stage when Members asked questions, again, about cheap alcohol and whether the Bill could be amended to tackle that problem. Even at a late stage, with the understanding of the Assembly

that I have acknowledged, I was able to have provisions on irresponsible promotions and pricing included in the Bill. The introduction of those provisions and the forthcoming regulations will be a positive step in curbing bad practice. Although it is not possible for the details of those regulations to be determined during the current mandate, I urge my successor to ensure that the process is completed at the earliest opportunity. Although it is not contained in the Bill, the issue of minimum pricing for alcohol is still firmly on my agenda and on that of Minister McGimpsey. We will shortly launch a public consultation on the introduction of minimum pricing in Northern Ireland.

Given the immense, dramatic and tragic impact of alcohol abuse on individual, family and community lives, I hope that the consultation will be the catalyst for the endorsement of minimum pricing by a future Assembly. I hope that that will be done at the earliest opportunity in the next mandate.

12.00 noon

Last week, I met the doctors to whom I previously referred. They represent the spread of the doctors' professions in Northern Ireland: the psychiatric; the clinical; and the GPs. They stressed that, in their view, minimum pricing, set at an appropriate level, was one of the critical interventions needed to address not just alcohol abuse but all issues impacting on many categories of vulnerable people, including young people, in Northern Ireland. I hope that the Assembly will be the first part of these islands to put in place a minimum alcohol pricing regime.

As I said at Further Consideration Stage, the minimum alcohol pricing regime will be set at a level that actually makes an impact. There was comment, even in the past 24 hours, from good authority in Britain, that what the London Government are proposing on minimum pricing in England is not going to be adequate enough to curb access to cheap alcohol and the abuse that can arise therefrom. I therefore hope that the Assembly will not only take the lead on these islands but will have a minimum pricing regime that sets minimum pricing levels in a way that has the desired impact.

The Bill's broad aim is to help tackle some of the problems associated with the misuse of alcohol and the resulting impact on ill health and crime. Licensing law alone cannot solve those problems, but I strongly believe that the

Bill can make a positive contribution. At Further Consideration Stage, I mentioned that I was to meet the Chief Constable on the Wednesday of that week. I actually met him on the Tuesday of that week. Owing to a family bereavement, Minister Ford was not able to join me.

I raised with the Chief Constable the specific cases, naming the bars, clubs, nightclubs and other premises that, it was alleged, were on the wrong side of the law in various ways. I think that 14 or 15 different premises were named. On the basis of the information provided to us, which we believed to be reasonable and reliable, I brought each and every one of those matters to the Chief Constable's attention.

He put up some defence on a number of the matters, but I made the point to him that, whatever the enforcement difficulties might be, and whatever might be the mind of a resident magistrate when it comes to matters referred to the court arising from an alleged breach of licensing law, the new licensing regime, and the imposition of penalty points in particular, can create a further opportunity to ensure that those licensed premises that heretofore might have been on the wrong side of the law but did not suffer the full impact of the law for breaches get their act together. If they do not get their act together, the police, through the penalty points regime and with the assistance of the courts, can put manners on those few pubs, clubs and other premises that are alleged to be in breach.

The new closure powers are perhaps not as all-encompassing as some Members would have liked. People know the history of that issue. Nevertheless, the powers are a significant improvement on those currently available to the Minister of Justice. The Department of Justice will issue guidance for the PSNI on its closure powers. The guidance will assist senior police in interpreting and implementing their new powers in the interests of public safety and the prevention of disorder.

The penalty points system aims to deal with persistent offenders, and any licensed premises or registered club that accumulates 10 or more penalty points within two or three years will have its licence or certificate of registration suspended by a Magistrate's Court for up to three months.

The proof of age provisions will, for the first time in licensing legislation, specify acceptable proof of age documents, and I hope that

that will prove an effective tool in combating underage drinking. Its other main value is in helping licensed premises and registered clubs charged with an underage offence to prove to a court that all due diligence was used to avoid the commission of the offence. Promotions and pricing provisions in the Bill will allow the Department to prohibit or restrict irresponsible promotions and specified pricing activities in all licensed premises and registered clubs.

Those new powers will be steps in addressing the availability of cheap alcohol and provide a positive contribution to the whole-population strategic approach to tackling alcohol related harm.

The Bill will also, however, create more flexibility for registered clubs, getting the appropriate balance between regulation and flexibility. The flexibility will provide for easements in how clubs' accounts are kept and audited and pave the way for new regulations and guidance that will make accounting requirements for clubs more flexible. It will reduce the maximum fine for many accounts-related offences, permit — in sporting clubs only — young people to remain in the bar for an additional hour after 9pm and provide for an increase in the number of occasions when a club may apply to the PSNI for a late bar. Those easements will help clubs, especially sporting clubs, to maintain profitability and continue the valuable contributions they make to their communities.

The Licensing and Registration of Clubs (Amendment) Bill is a good piece of legislation. I commend it to the House and very much hope that the development of licensing and club legislation will be a key feature of the new mandate.

The Chairperson of the Committee for Social Development (Mr Hamilton): It is a pleasure to be able to speak at what is the Final Stage of this Bill and, as the Minister outlined in his opening remarks, the end of a very lengthy, detailed and sometimes frustrating process, which has led to the culmination of the Bill today.

Just as he inherited the Bill as Minister, I sort of inherited it as Chairperson. I am sure it is no coincidence that we now have a Bill at a time when it looked as though there was not going to be a licensing Bill passed at all. Modesty is obviously pouring forth liberally. There was, at times, a very strident debate in the Committee about the Bill, and in the Chamber. Sometimes

there were elements of comedy verging on farce, but eventually we are here, and we have got what we set out to achieve. The Bill is before us and, hopefully, will be ratified today.

I thank everyone involved in making the Bill a reality. I particularly offer my thanks to those who came forward to the Committee during our very important, lengthy and detailed Committee Stage to give evidence orally and in writing. Without that evidence, many of the improvements that are in the Bill would not have been possible.

I thank Department staff for always being on hand and able to answer our queries. I also thank the Committee staff, who, like a lot of Committee staff in this Building, were burdened with lots of legislation at the one time and had a balancing act in juggling lots of different pieces of legislation at one stage. I do not think that members knew what we were doing from one week to another, whether licensing, housing or caravans. We were kept very busy at that time and would not have been able to achieve what we did without the help of our Committee staff.

I also pay tribute to colleagues who, similarly, endured all that legislation at that one time but always stayed and remained focused on the job in hand, trying to critically scrutinise the legislation and improve the Bill. You see the final product that is before us today.

We had difficulty balancing lots of different interests in the Bill because, at the end of the day, we are talking about licensing. There are businesses, clubs and sporting interests involved in that, and sometimes those interests clashed and competed in a way that made it difficult for the Committee to find the best balance. I think that we have achieved a fair balance. It may not be to everyone's liking, but that is often the way with legislation when you are trying to balance those very real and competing interests.

We had very strong, often differing, views in the Committee on different aspects of the Bill, but the debate was always conducted in a mature and adult way. Ultimately, the Committee found positions on most issues that it could agree on, if not individual members' optimum position then at least one that they could be happy with.

There is much to welcome in the Bill. Clauses 1 and 7 deal with closure powers. Those are powers that I hope are never used. Evidence

from other jurisdictions suggests that there has been little need for similar powers to be used, and I hope that that is the case here as well. I hope that the very existence of the powers on the statute book will encourage those few establishments that are, perhaps, badly behaved, or allow bad behaviour to get out of control on their premises, to look at their actions, look at their management, look at their structures and try to deal with the problem in a way that means that we do not have to exercise closure powers and deal with all the various difficulties that come with that.

One aspect that is important in achieving that is good guidance for the Police Service, so that it knows when and how to act and does so in an appropriate and proportionate manner in exercising the power. In some ways, we are gifting quite considerable powers to the police through the passage of those two clauses in particular. We know why we are doing that, but one does not want to see them abused in any way by the police. We want to see them used in a proportionate manner and for the purposes for which they were intended.

Clauses 2 and 8, which deal with penalty points, are useful tools to have at our disposal. However, something important needs to be said, which the Minister touched on. Two things need to happen. First, we need clear guidance for the pub and hotel sector on one hand and the clubs sector on the other about their rights and responsibilities. At different stages, we have teased out the confusion out there about different aspects of the licensing law. Clarity on the responsibilities and requirements of the licensed sector is vitally important. Secondly, there is no point in having a penalty points regime on the books if we are not enforcing it. We either have a strong licensing regime or we do not; there is no point in legislating to increase powers and controls if they are not enforced.

I welcome the Minister's report of his meeting with the Chief Constable, and I hope that it bears fruit. We are talking about a minority of licensed establishments, a handful or maybe one or two in some areas, but the powers that are enhanced through the Bill need to be enforced properly or else there is little point in legislating in the way that we are.

The clauses that will get the most attention in future will be those on irresponsible drinks promotions. The Committee probably devoted

most time to trying to come up with a number for how many late night licences should be available to registered clubs, but the most significant parts of the Bill, beyond a shadow of a doubt, are the clauses on irresponsible drinks promotions.

The Minister was very kind in his comments yesterday about the strength and influence of the Committee on the Housing (Amendment) (No. 2) Bill. I hope that he agrees that the clauses on irresponsible drinks promotions are a clear demonstration of the strength and influence not just of the Committee but of the House. I would not say that the Minister was embarrassed into including those clauses — he can answer that for himself — but the pressure that was exerted by Members from all sides of the House during Second Stage certainly had an effect. During that debate, we welcomed the Bill, in as far as it went, but felt that it did not go far enough. We felt that we could not do some of the things that we were proposing to do, including extending the number of late night licences, without addressing the most inherent social and health related problems in our society, which are caused by the availability of cheap alcohol.

The Minister outlined some of those social and health related problems — indeed, antisocial behaviour problems are also related to the availability of cheap alcohol — so I do not want to go back over them. However, we all know from our own localities the devastating impact that alcohol can have on individuals, families and communities. The clauses on irresponsible drinks promotions and the ability to outlaw such promotions are a major step in the right direction. However, it is not the end of the journey, and there are a lot of other issues that we need to look at.

The issue of minimum pricing has been raised, which is a difficult subject to deal with, but it must be grasped. There is also a need for us to re-evaluate as a society and educate people better about the proper use and consumption of alcohol.

I hope that we never have to exercise that power or to bring forward regulations that outlaw certain promotions. I hope that the industry will see what is being done today and will take it upon itself to excise its worst excesses. We can all point to bad examples in different localities of alcohol being sold in an irresponsible way.

I hope that the industry catches itself on and voluntarily outlaws irresponsible promotions, without the need for the Assembly to introduce regulations.

12.15 pm

However, I repeat my earlier words of caution. We should not be overzealous. We must specifically target irresponsible drinks promotions, not promotions that are not targeted at those who would be consuming alcohol in an irresponsible way. I was buying petrol this morning, and the till had a TV screen that flashes up promotions. I will not name the shop for fear of giving it free advertising, but the screen showed the type of promotion that I referred to during the Bill's Consideration Stage. It offered two bottles of a certain brand of wine for £9, which I do not think that anybody would consider to be particularly irresponsible. However, the next advert was for two bottles of strong cider, which were so big that I do not think that I could hold them in one hand, for £5. That shows the difficulty that exists, and we cannot say that a bundle at a certain price should be outlawed. Most people would say that one of those promotions was responsible and the other was clearly irresponsible. We need to be cautious when exercising this power, if indeed we have to, that we do not throw the baby out with the bath water and that we do not punish those who do not deserve to be punished.

As I said, this is not the end of the Assembly's journey in dealing with alcohol matters. In fact, I think that it is probably only the start. This Bill is a good start. It provides a fair balance. It is much more effective and has been significantly improved by the processes of this Assembly. Those include the debate at Second Stage, the Bill's Committee Stage and the evidence that was taken by the Committee, the debates at Consideration Stage and the amendments that were tabled, debated, discussed and passed. With that in mind, it is a pleasure for me to be able to speak during the Bill's Final Stage and to support its passage.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. The Minister and the Chairperson of the Committee have already addressed many, if not all, of the major issues. In the case of the Chairperson, modesty does become him.

The Bill led to a fair amount of discussion in the Committee, and there was some disagreement

and agreement. Committee members who felt strongly about alcohol and its use did not allow that to colour their decisions. They approached the Bill and the discussions in a measured way, which is to their credit. I thank the Committee staff, the people who gave evidence and presentations — those were very useful — to the Committee, and the departmental officials who provided good guidance on the Bill.

The whole purpose of the Bill is to control access to alcohol. The Minister pointed out the adverse effects that alcohol has in our society, including its impact on our health and policing budgets and, unfortunately, its role in self-harm and suicide. The greatest issue was in getting the balance right. Enforcement and regulation require a balance to be struck, because jobs and businesses will be affected, and that was borne in mind by everyone when looking at the issues that are addressed in the Bill.

The provisions that deal with irresponsible drinks promotions are to be welcomed. That is obviously an issue, and there was a lot of adverse publicity around irresponsible drinks promotions and the knock-on effect that they have inside and outside premises.

The minimum pricing policy and regime will be welcomed. The Minister alluded to a joint consultation with the Health Minister, which will also be welcomed. Minimum pricing will impact on the amount that people drink. Approximately 78% of alcohol is now consumed in the home, with only 20% to 25% consumed in licensed premises. That needs to be borne in mind.

The aim of the Bill is to reduce the impact of alcohol. The Minister referred to a meeting with the Chief Constable about naming and shaming bars and nightclubs. Part of the difficulty with the Bill is that there is no definition of nightclubs; most are in hotels with residents' bars. The penalty points regime will go some way towards ensuring compliance, with a three-month suspension when the maximum penalty points have been accrued, and the proof of age provisions will go some way towards preventing underage drinking. Again, the prohibition of irresponsible drinks promotions is welcome.

I also welcome the flexible approach taken to striking a balance on how accounts are kept in clubs because most of the people involved do it voluntarily, with changes of committee every so often. There was discussion, some of which may have been considered contentious,

about sporting clubs allowing children on their premises until 10.00 pm. However, the sporting clubs that gave evidence put their case forward firmly and gave good reasons why the extra time should be allocated.

The number of extended licences was increased from 52 to 85 and, although some clubs do not use them, it will give clubs more flexibility in organising functions. A lot of clubs, like many pubs, are under severe pressure and, in some cases, are in the process of going under unless they can improve offerings like their social nights.

Although the Bill led to a lot of discussion, there was also a lot of consensus, and that is welcome. I have no problem in supporting the Bill.

Mr McCallister: It is rather upsetting, almost, that this is the second day in a row that I am getting up to heap praise on the Minister for Social Development for yet another success. This is serious legislation, and I concur with the Chairperson of the Committee that it has been added to significantly by the Committee, the Minister and the Department working together and being willing to engage with the industry and the various stakeholders. I thank them for their evidence to the Committee, which was vital in shaping good legislation that will be enforceable and workable.

The key element will be the minimum pricing structure and how we deliver on that. I concur and associate myself with comments made by the Minister, the Chairperson and Mr Brady about the dangers that the impact of alcohol has on our society, family life and the individual. The Minister said that the cost involved is around £750 million a year, which is a significant sum of money, setting aside the personal cost that it can have on individual lives. We must use and build on the Bill with whoever the Ministers may be for social development, health and, perhaps, justice. We must look at the impact that alcohol has and drive to improve public policy to meet that challenge. We must also bear in mind the figures that Mr Brady gave for the amount of alcohol consumed in the home, and the challenge that that presents to all of us.

I agree with Mr Hamilton about irresponsible drinks promotions. We all hope that the industry has received a very strong message from the Assembly during the passage of the Bill, not least today at its Final Stage. The message is

that the Assembly will not tolerate irresponsible drinks promotions. I note the example that Mr Hamilton used. He did not tell us whether he bought the two bottles of wine, or whether he felt that they were not of good enough quality for his table.

As other Members have said, there has been a good debate, even with those Members who are very opposed to alcohol consumption. I note that Mr Craig is in the Chamber; he is probably drawing up plans for a private Member's Bill for prohibition as we speak. However, it has been a good debate on all sides. Some Members have very strong views on alcohol, but there has been a good debate as to how we manage it and what the realistic alternatives and options are. Like all legislation, it is about finding a balance between what will work on the ground and what is practical to manage. When it comes to enforcement, the police response should be appropriate and proportionate, and that will encourage people to run establishments well and properly. I hope that the small minority that do not adhere to the law will, through this legislation, become an even smaller one, and that the legislation will be robust and work well to deal with the problems that alcohol and licensing contribute to our society.

This has been a fine example of our Assembly at its best, working on an issue that concerns everyone, on all sides of this House, with all their different views and experiences of clubs and pubs. There is huge concern about the public health issue, access to alcohol and, particularly, the effect that it can have on very young people. They may become addicted to alcohol before they reach the age at which they are legally allowed to drink. Mr Brady mentioned the impact that that can have on mental health and the huge rates of suicide and self-harm that have tragic consequences for families across Northern Ireland.

This is a good piece of legislation, and the Ulster Unionist Party is happy to be associated with it and keen to see it passed, either in the next few minutes or the next few hours. We support the Bill.

Mrs M Bradley: I am clock-watching, so I will not say much. I welcome the Bill; it is a good Bill for everyone, and there will be benefits from it for all of the clubs. When the police came to see the Committee, they told us that they had no great concerns about clubs because they were

normally well run. This will add to all of that, and it will benefit a lot of people.

I welcome the Bill and thank the officials from DSD for the work they did with us for the Committee and on the Bill.

Ms Lo: I very much welcome the Final Stage of the Bill and add my thanks to the Committee staff, the Department and the many stakeholders who gave up their time to come and brief the Committee on many aspects of the Bill.

It is a very good Bill. It better regulates the licensed sector but is not so restrictive as to stifle its economic growth. What is best about the Bill are the many worthwhile measures to address the misuse of alcohol, which has such huge economic, health and social costs to society. The sad thing is that we are finding more and more young people who develop alcohol problems at a very early age. That is something that we must put all our efforts into trying to stop.

One thing that I am disappointed about is the closure of licensed premises. The House did not support the Alliance Party's amendments to give more powers or grounds to the police to close premises on the grounds of imminent closure and noise nuisance, in line with other parts of the UK as well as the Republic of Ireland.

Therefore, that obviously rules out giving the police the power to take action to prevent trouble. If they had to wait for trouble to break out, more harm could be caused to individuals and properties.

12.30 pm

Mr Craig: I support the Bill. I notice that other Members are trying hard to rile me into starting another debate. That debate took place a long time ago and was proved to be a failure, so I am not going to repeat the mistake.

I particularly welcome clause 1, which will provide the police with the power to close licensed premises that are obviously causing a breach of the peace. Although I welcome that power, I think that all Committee members, including me, had concerns about how it would work in practice with the police. Indeed, my colleague Mr Hamilton pointed that out. Overzealous use of that power could be counterproductive in a community, and I think that we are all aware of cases in which that happened in the past. I say to the Minister,

therefore, that it is important that we keep a close eye on how the provision works in practice.

I also welcome the penalty scheme that the Bill will introduce. It will be important to see how the points system will work in practice with licensed premises. We had a long debate about the number of late-night openings that there should be in a year. We ultimately came to a sensible conclusion, arriving at a compromise that will create a balance between clubs, pubs and other parts of the industry. I also welcome the fact that clause 3 identifies methods of ID that will be required for proof of age and the fact that there will be a £1,000 fine for those who are found to be ignoring the age issue.

I mostly welcome the fact that the irresponsible advertising of some drinks promotions will be tackled. For example, in some parts of the Province, alcohol is sold more cheaply than water. That said, when we think about what happened at Christmas, it would have been easier to get alcohol than water in a lot of places. However, that had nothing to do with irresponsible drinks promotions.

Many on the Committee know my views on alcohol. I do not wish to impose them on anyone, but I have deeply held views on alcohol, and I have good reason for holding them. Like many other Members, I have seen what alcohol and alcohol abuse can do to people. Unfortunately, I witnessed it personally with a very close friend. The abuse of alcohol — I will give it its proper name, because it is abuse — destroyed a family. I sat with the individual many times, and I prayed with him and spoke to him on many occasions to try to get him over his addiction. I sent him in the direction of people who could help him, which was the right direction. Unfortunately, however, all that failed. I had to bail out his family myself many times, because I felt that it was the right thing to do and I did not want them to starve. None of that helped that individual, and, unfortunately, at the age of 32, he passed away because of his alcohol abuse.

We must do more than reduce the adverts and inducements that, unfortunately, draw young people into alcohol but not into a responsible attitude towards it. I have spoken about that issue before. The rest of Europe has a more reasoned and responsible attitude to alcohol. If we do anything to stop and change that attitude towards the abuse of alcohol, the House will

have done something commendable. I commend the Bill to the House.

Mr Gallagher: Earlier contributors have referred to the excellent co-operation between the Minister, the Department, the Committee for Social Development and all those who gave evidence in bringing the Bill forward. The Bill ties in very well with the Committee for Health, Social Services and Public Safety's report of its inquiry into suicide and self-harm, which was published two years ago. The report's recommendations referred to the close link between suicide, self-harm and alcohol. Many of those who gave evidence to the Health Committee at the time spoke about those matters.

It is encouraging that, as the previous contributor said, there will be some penalties and restrictions around the all-too-free availability of alcohol for many of our young people. The Minister for Social Development referred to jobs in the industry and the need for balance. We all realise that, for many generations in this country, access to alcohol was controlled under licence. That system has worked well, although there have been exceptions, on occasion, when a small number of individuals have abused that system and have acted irresponsibly.

It is important to achieve that balance. Many of the pubs of Ireland are used by local communities and offer an environment that is very attractive for social occasions. When people are in that environment, under licence, they are free from drinks promotions and the abuse of the after-hours regulations. As the Minister said, the pub industry makes an important contribution to the protection of jobs and can be very important in rural areas. As someone who supports the campaign to save the pubs of Ireland for the reasons that I have outlined, I believe that the Bill does a good job in getting the balance right between enforcement and protecting the asset that is there and, particularly, the jobs in the licensed industry.

The Minister for Social Development: I acknowledge and thank all the Members who contributed today and throughout the passage of the Bill. The Bill has a number of chapters, and I want to confirm what four or five of those have been and the insight that has been provided to me as the Minister into the passage of the legislation.

First, I previously advised the Committee for Social Development or the House or individual Members of a conversation that I had in the Department after Second Stage. I said that, arising from that debate, I was anxious to ensure that we took forward proposals on irresponsible drinks promotions. An official in the Lighthouse Building on the day in question — not one who is within earshot — said to me that it could not be done. I said that it had to be done and asked how we would get it done. Ten minutes later, the official said that maybe we could get it done, and I said that we should get it done by piggybacking on Minister Ford's Justice Bill. It transpired a month later that that was not possible. I went back to the official and said that we should put it in the Bill, by which stage the official said that we could do that.

There are a lot of lessons in that tale for any Members — all Members, I presume — who aspire to ministerial office. The lessons are that, when officials say no, tell them that they mean yes, and they will find ways and means of getting something done that adds to the quality of a Bill and the welfare of our citizens. That is a completely accurate story. I remember the official. I can see him in my mind's eye. I could name him, but I will not. He said that it could not be done, but, a short number of months later, the Assembly has proved that things of significance can be done.

Ms Lo: What was that official's rationale for changing his mind?

The Minister for Social Development: The rationale was that we had not consulted on the irresponsible drinks promotions proposal and that we did not have enough time or opportunity to consult on it. The point is that, within 10 minutes, officials can come round to a Minister's way of thinking. That is a genuine story — I say that as I look anxiously at my officials. The official said no, and, 10 minutes later, he said yes. We worked out how to do it and, even then, we changed our mind a month later and decided to do it differently. I am looking at Minister Gildernew, who I am sure has had similar experiences as a Minister.

The second story of the Bill — I thank Peter Weir for his note — is what one Member referred to as the farce at a previous stage. I do not refer to it as a farce; I will be a little more generous and say that it was a little confusing. Regardless of whether there was a little confusion around amendments being

moved or not moved, the point is that a lot of amendments were moved one way or the other. The Bill has a lot more depth and quality than previously as a consequence of those amendments being moved. I want to acknowledge all the Members who, through the conversation at Committee Stage, through tabling amendments, through moving amendments, through not moving amendments and through voting for various amendments, have upgraded the Bill in a significant way.

In respect of one amendment related to advertising, which was not moved, I intend to find out from the Civil Service club what its legal advice is that states that it may advertise. If there is legal advice that holds water, I will advise other clubs of their legal advice and say that it is up to them to proceed at risk. Nonetheless, if, under the current law, there are ways in which clubs can advertise legitimately, as per the Civil Service legal advice, I will explore that and advise clubs.

The third story of the Bill is something that Mr McCallister referred to, namely some Members' instinct towards prohibition. The conversation on the Bill confirmed that there are Members who come from a temperance background. At Further Consideration Stage, Jonathan Craig, for example, spoke about the impact of alcohol on the lives of people whom he knows. However, Members who come from a temperance background also recognised the need to legislate on alcohol wisely and responsibly and even to take a more liberal and flexible approach to alcohol licensing to get the right balance between protecting people from the excess of alcohol and allowing licensed premises, particularly clubs, to continue to operate their businesses and assist the community in the ways that they do. It was an important moment when people who come from a certain background recognised that the responsibility of legislators is to get laws that are fit for purpose, wise, informed and meet the needs of all aspects of the community.

12.45 pm

The fourth story of the Bill is the one that has yet to be written. It is about how this Bill, like much other legislation, demonstrates the need for more intently joined-up government. That is the significance of the consultation on minimum pricing that the Minister of Health, Social Services and Public Safety, Michael McGimpsey, and I will launch in the near future

but on which he will subsequently lead. Issues around minimum pricing are best addressed in the context of their health consequences as opposed to their legal, licensing or disorder consequences. The point is that there needs to be joined-up government on that and a lot of other issues.

Michelle Gildernew and I met before Christmas to look at how we might provide better joined-up funding for urban and rural organisations, which provide a great service to the community across Northern Ireland, so that they can do their work somewhat differently to improve their impact while possibly saving money. That theme of joined-up government, especially in areas of need and disadvantage, between the Department of Agriculture and Rural Development and the Department for Social Development, or the Department for Social Development and the Department of Health, Social Services and Public Safety or other Departments is the kind of learning that has come out of this Bill's consideration.

The final story of the Bill is linked to the work of the Assembly over the past number of weeks. The volume and quality of the legislation being passed, be it on hedges, wildlife, the private rented sector, licensing or caravans — note that I do not mention the Budget Bill — prove what this business is all about. It is about legislating to deal with issues such as hedges, wildlife, alcohol, the private rented sector and all the rest. All of us should judge ourselves and be judged on the amount of legislation that we get over the line, the quality of that legislation and the positive impact that it has on our citizens.

I will tell those who want to know what Peter Weir's note was about. It reads, "Stop tapping your lectern" — "tapping" has been spelt wrongly — "It sounds very irritating on the audio". That is probably wise advice for anybody who stands at this or any other lectern in the Assembly in the future. Actually, maybe he has spelt it correctly. I might have been maligning the Member's intelligence, so I apologise for that.

I commend the Bill to the House.

Mr Deputy Speaker: I am sure that we are all pleased that it was not on special offer.

Question put and agreed to.

Resolved:

That the Licensing and Registration of Clubs (Amendment) Bill [NIA 19/09] do now pass.

Welfare of Animals Bill: Final Stage

The Minister of Agriculture and Rural Development (Ms Gildernew): I beg to move

That the Welfare of Animals Bill [NIA 28/09] do now pass.

Go raibh míle maith agat, a LeasCheann Comhairle. I am absolutely delighted that the Welfare of Animals Bill has reached its Final Stage. This is the fourth Bill that I have introduced and taken through the legislative process since coming into office in 2007, and it is a significant achievement for everybody concerned. Before I turn to the detail of the Bill, I thank all those who responded to the consultation exercise that my Department carried out and all those who attended the meetings with me or my officials or the stakeholder workshop last year. I appreciate the input of all those stakeholders, whose contributions have contributed significantly to the Bill.

I thank the Chairperson and the members of the Committee for Agriculture and Rural Development for their consideration of the Bill and acknowledge the volume of work and time that the Committee spent on it. Its comments and recommendations have helped to shape the Bill before us today. I also thank officials in the Office of the First Minister and deputy First Minister, the Office of the Attorney General, the Office of the Legislative Counsel, the Departmental Solicitor's Office and the Bill Office, as they have also given us much support and advice along the way. I thank the Committee Clerk and his staff for their diligence and determination to ensure that Committee Stage was completed before Christmas. Last but not least, I thank my departmental officials who have worked very hard on this Bill, particularly given the time constraints involved. I am grateful to all of them.

This is an appropriate moment for me to remind the House of the Welfare of Animals Bill's main aims and purpose. The Bill updates and strengthens the powers that exist in the Welfare of Animals Act 1972 and will replace that Act. The Bill will reduce the likelihood of unnecessary suffering being caused to any vertebrate animal, because it introduces a duty of care and places obligations on everyone to promote the welfare of the animals, including domestic pets, for which they are responsible. The new powers will allow action to be taken to prevent animals

from suffering, rather than having to wait until after suffering has occurred, which is the current position for non-farmed animals. That will address the gap between the high legislative protection currently afforded to farmed animals and the somewhat limited protection for non-farmed animals.

Stronger powers in the Bill will allow early action to be taken when the horrific practice of animal fighting is suspected, including dog fighting. No longer will an animal fight have to take place before action can be taken. If there is evidence that animals are being bred or trained to participate in animal fights, action can be taken to seize them.

The Bill contains enabling powers to regulate by subordinate legislation any activity involving animals, such as activity at dog breeding establishments. The Bill also contains powers to prohibit the keeping of certain animals should that prove necessary in the future; for example, animals in travelling circuses. Powers are also included to ban the cosmetic tail docking of dogs. Following an amendment agreed at Consideration Stage, an exemption from that ban is now provided for certified working dogs.

Cruelty to animals and animal abuse has no place in a civilised society. We need to send out a clear message that that will not be tolerated. Therefore, penalties for those who commit the most serious animal welfare abuses have been increased to two years' imprisonment and an unlimited fine.

The Bill has 60 clauses, something that was often forgotten during Committee Stage and when the House debated the Bill at Consideration Stage and Further Consideration Stage. I am amazed that over 90% of the time spent talking about the Bill during those stages concentrated on the powers in clause 6 on tail docking. Although I appreciate that tail docking is an emotive subject, I urge Members not to lose sight of the bigger picture. The Bill is the most important animal welfare legislation ever to be developed in the North of Ireland, and it includes substantial powers to stop all animals under the control of people from suffering unnecessarily. The Bill also ensures that those animals will be afforded a duty of care, often referred to as the five freedoms.

There has been widespread support from the majority of stakeholders for the new Bill. The Bill will ensure that we are at the forefront

of the protection of farmed and non-farmed animals and will, I know, be supported by all right-thinking people. Therefore, I urge Members not to get sidetracked into a debate on one or two clauses but to appreciate the significant benefits that the Bill will bring to all animals under our control.

The Chairperson of the Committee for Agriculture and Rural Development

(Mr Moutray): I declare an interest as a member of Craigavon Borough Council.

With your permission, Mr Deputy Speaker, I wish to thank all the witnesses who contributed to the Committee Stage of the Bill, departmental officials for their advice, the Northern Ireland Assembly Bill Office for the excellent guidance that it provided to the Committee and, finally, the Committee team, for its support during the passage of the Bill.

The Welfare of Animals Bill has attracted a great deal of attention over past weeks and months, not all of which has been positive. That is unfortunate, because there is much in the Bill to be positive about. As the Minister said, the legislation will align the welfare of farmed and non-farmed animals. It will enshrine the five animal freedoms in statute. It will dispel the need to wait until an animal is suffering before an intervention can be effected, as it will now allow for such an intervention where an animal is likely to suffer. It will allow for stricter regulation of breeding establishments through subordinate legislation. It will bring about additional controls to prevent the heinous crime of animal fighting, and it will ban tail docking, with exemptions for specific breeds of working dog. Those are all positive outcomes and ones that the Committee for Agriculture and Rural Development has debated, supported and agreed. There have been and continue to be problematic areas, which I will come to in due course. However, let us not lose sight of the fact that domesticated animals — non-farmed animals — will be afforded additional protection and enhanced welfare as a result of this legislation.

During Committee Stage, three issues were identified: the licensing of breeding establishments; tail docking; and enforcement and resourcing responsibilities for local government. Owners of breeding establishments made themselves available to the Committee to argue for stricter regulation of their industry

by the Department. The Bill will allow for new regulations to be brought forward as subordinate legislation. Those will be consulted on, brought to the Committee for scrutiny and brought before the House for approval using the affirmative resolution process. That will allow for detailed regulations that could, for example, limit the number of breeding bitches and the number of litters they have, while also potentially controlling things such as the advertising of pups for sale on the Internet and in newspapers and journals. It would not have been appropriate to include that detail in the Bill. However, it is entirely appropriate that additional time is taken to consider this serious issue and to make sure that we get it right. I am glad that the Department is of a similar mind, and I repeat its assurances that the subordinate legislation will be a priority for the Department. I am also glad that any administration or enforcement of the registration and licensing of breeding establishments will be undertaken at full cost recovery, thus ensuring that ratepayers do not have to take on that additional financial burden.

The second issue identified by the Committee was tail docking. That issue has attracted a great deal of attention over the past few weeks. Mr Deputy Speaker, you will be pleased to learn that I do not intend to rehearse those arguments. However, I again emphasise the Committee's position on the matter, as detailed throughout Committee Stage, in the Committee's report and during Consideration Stage and Further Consideration Stage and confirmed by Committee members on a number of occasions during debates: the Committee is opposed to the cosmetic docking of dogs' tails and, consequently, of the promotion and support of such practices. The exemptions that the Committee has made to clause 6 of the Bill are practicable and, combined with the proposed legislative principles brought by the Department to the Committee, will ensure that the welfare of working dogs is enhanced. Again, the amendments made in respect of showing dogs will close a loophole that exhibitors have been using in England and Wales, and it will help to ensure that the practice of promoting cosmetic docking will be reduced and eventually disappear.

The final key issue that the Committee identified was enforcement. Again, it is unfortunate that some organisations have recently gone to press decrying the Bill as ill

considered and ineffective. It is unfortunate that a representative of one organisation, an organisation that claims to be to the fore of animal welfare, wishes to use the press to grab headlines yet failed to make representations of any type to the Committee during pre-legislative scrutiny of the Bill or when the Bill was introduced to the House or, indeed, at any of the stages that the Bill has been through, particularly Committee Stage.

The fact that the Bill seeks to pass enforcement of its powers to local government has been known for a long time now. The fact that there are problems with that is also well known, and the Committee has rehearsed those problems with the Department extensively. The Minister has agreed to ring-fence some £760,000 a year over the next four years; that is not a one-off dowry, as reported by ill-informed welfare organisations.

The Committee has the agreement of the Department that additional consultation with local councils is required, and I am pleased that the Minister has accepted the Committee's invitation to a meeting with elected representatives in Parliament Buildings next week. We still have concerns about future resourcing, and the Committee sees this as a very important first step in the consultation process but stresses that it is only the first step. The issue should have been resolved before the legislation was brought to the House, but the Committee believes that it can be resolved.

As I indicated, the issue of enforcement is unresolved, but positive steps are being taken to resolve the matter. We have a good piece of legislation here, one that has been needed for almost 40 years. I fully accept that there will be a small number of people who do not agree with some of the clauses. That is true of most, but not all, legislation. However, the Committee has been consistent in its position and its objective that the welfare of animals is and should remain the priority. The Bill does that by placing the animal's welfare to the fore and aligning non-farmed animals with those that are farmed. That is the policy principle that the Committee has supported and will continue to support. I commend the Bill to the House.

1.00 pm

Mr Deputy Speaker: The Business Committee has arranged to meet immediately on the

lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time.

The debate stood suspended.

The sitting was suspended at 1.00 pm.

On resuming (Mr Deputy Speaker [Mr McClarty] in the Chair) —

2.00 pm

Oral Answers to Questions

Agriculture and Rural Development

Mr Deputy Speaker: Questions 2 and 3 have been withdrawn and require written answers.

Young Farmers' Clubs

1. **Mr P J Bradley** asked the Minister of Agriculture and Rural Development for her assessment of the range of activities carried out and the benefits brought to rural communities by young farmers' clubs. (AQO 1106/11)

6. **Rev Dr Robert Coulter** asked the Minister of Agriculture and Rural Development for her assessment of the performance of the Young Farmers' Clubs of Ulster against its targets for the current funding period. (AQO 1111/11)

7. **Mr S Anderson** asked the Minister of Agriculture and Rural Development what prior assessment she made of the potential social impact on rural areas of her decision to cut funding to the Young Farmers' Clubs of Ulster. (AQO 1112/11)

10. **Mr K Robinson** asked the Minister of Agriculture and Rural Development for her assessment of the role played by young farmers' clubs such as Kilwaughter and Gleno Valley in the training of future young farmers and the prevention of rural isolation. (AQO 1115/11)

The Minister of Agriculture and Rural Development (Ms Gildernew): Go raibh maith agat. With your permission, a LeasCheann Comhairle, I will answer questions 1, 6, 7 and 10 together.

Following the Executive's agreement on a draft Budget, I announced my draft budget proposals for the Department of Agriculture and Regional Development (DARD) for the financial years 2011-15 on 13 January 2011. The current expenditure saving required from DARD is £43 million over the next four years. At the time, you may recall, I had identified that I would not have

the resources to do everything that I would want to and live within the available budget. To live within the available budget, I proposed savings in a number of areas.

When I considered the support that DARD provides to the Young Farmers' Clubs of Ulster (YFCU), I did not regard it as a priority, when set against front line activity. I am aware that concern about that draft budget proposal has been raised and that many submissions have been received on the issue. Therefore, I met YFCU representatives last Thursday to listen to their perspective. That was a positive engagement during which I had a useful discussion and indicated to them the areas that I believe are a priority and where the YFCU may contribute to rural communities. I explained the sort of measurable outputs that the clubs would have to deliver to justify continued grant aid.

Future areas of work discussed included rural road safety, in conjunction with the GAA; succession planning; encouraging the uptake of online applications by farm businesses; a schools outreach programme of a cross-community nature; and a programme to integrate the work of the Young Farmers' Clubs of Ulster into local rural community initiatives, including a focus on rural women's issues, particularly domestic violence.

Having carefully considered the views of the YFCU, the budget pressures on my Department and the potential value of a programme of work targeted at those specific areas, I am content, in principle, to continue to fund the YFCU for a further three years, subject to it providing a suitable business proposal covering the specific areas that we discussed. I phoned the YFCU president, Thoburn McCaughey, today to advise him of my decision.

Mr P J Bradley: I thank the Minister for her answer. I will not be rushing to the press with it; the young farmers' union has already advised the media. Some Members have just come from a meeting of the Agriculture Committee at which there was quite a lot of controversy over the budget. Was the proposal to take money from the young farmers' clubs the Minister's own idea or was she acting on advice?

The Minister of Agriculture and Rural

Development: I assure the Member that I had very hard decisions to make. The House will recognise that £43 million is a significant amount to find from the agriculture budget,

considering that a lot of what we do is statutory or in compliance with a European directive.

There have been difficulties in trying to get through a budget proposal that protects front line services while doing all that we are obliged to. Given that young farmers' clubs have considerable funding from other sources, I felt that I needed to look at that. The decision to do so was very difficult, and I have had a positive engagement with young farmers' clubs throughout my time as Minister. However, with measurable outcomes and with a programme of work agreed by my Department and young farmers' clubs, I believe that they can continue to make an even more positive contribution to community and youth work in rural areas to the benefit of all young people in such areas.

Rev Dr Robert Coulter: I hope that I take the Minister's answer in the right way. I am delighted that you are going to continue to fund young farmers' clubs. Is any recognition given to the great work that young farmers have been doing to reduce rural isolation and to increase the number of young people with an interest in agriculture and the likelihood of their choosing a farming career?

The Minister of Agriculture and Rural

Development: There is no question that that is the case and that the clubs have made a positive contribution to the life of young people in rural areas. They do get funding from other sources. This funding could not be seen on the same basis as some of the other front line services that I have to protect. However, we now have agreement on a programme of work, and I hope that the young farmers' clubs will deliver on a much more varied programme. That will make an important contribution and add to what they are already doing to obtain greater benefit for taxpayers' money. We cannot ignore the fact that taxpayers are funding the young farmers' clubs. We want taxpayers to get something back from that, and I believe that the issues and outcomes that we discussed last week can help to deliver that.

Mr S Anderson: I thank the Minister for her responses so far; a lot of the issues have been discussed. I, too, welcome the decision to give the young farmers back what I would say is rightfully theirs.

The Minister claims to be a champion for the rural people. What other organisation out there provides the service for young people in

Northern Ireland that the young farmers' clubs do? Can the Minister guarantee that any money that goes back will come from mainstream funding?

The Minister of Agriculture and Rural

Development: First, I have to nail the Member's point that the funding is rightfully theirs. I know of no other organisation that has enjoyed taxpayers' support since the 1930s, and none of us can take for granted funding that comes out of the taxpayers' pockets or say that money is rightfully ours. We can agree a programme of work under which the Young Farmers Clubs' of Ulster deliver a number of outcomes that will have a very positive impact on rural communities in general. We need to nail the perception that the money is theirs and should always be theirs.

The Member disagrees with me, but loads of community organisations and voluntary groups would love to be in the same position as the young farmers' clubs. None of us can take for granted money from the small pot that the Executive get and have to distribute across a wide range of very important services. Nobody can say: "That money is ours; you cannot take it off us." The young farmers' clubs certainly do not say that to me, and it is unfortunate that we have got into this situation, because they have asked what they can do to persuade us to give them that money and said that they will do something for it. They never said: "That money is rightfully ours; give it back."

Mr K Robinson: I am glad that the Minister has moved towards the young farmers' clubs. However, this funding involves miniscule amounts of money and, given that her preferred option to move DARD headquarters west of the Bann will involve the astronomical cost of moving jobs outside their present location, surely there is an imbalance in her approach.

The Minister of Agriculture and Rural

Development: Our position to address economic inequality is the conduit for the decision that I took, which was recommended in the Bain review, to move DARD headquarters. Although the funding for the young farmers' clubs is not a huge amount of money, it is still money that a lot of organisations would love to be able to access year on year for very little effort on their part. We have moved to a much more mature understanding between young farmers' clubs and the Department, but there needs to

be maturity here too. Rural people have the same entitlement and right to decent well-paid employment as urban dwellers, and I make no apologies for fighting that battle throughout or for ensuring that the people from rural areas have access to good, well-paid jobs.

Mr Frew: I welcome the news. If I heard her right, the Minister said that she will provide three years of funding from a four-year budget. What is the rationale behind that?

The Minister of Agriculture and Rural

Development: The last package of funding to the young farmers' clubs was for three years, and that is what they asked for.

Mr McCallister: At the outset, I declare an interest as a paid member of the Young Farmers Clubs' of Ulster. Some Members across the House maybe doubted my age, but I am sure that I can clarify that. I thank the Minister for her decision. It is a good news story that young farmers' clubs and the Department have achieved a result that will be widely welcomed across rural communities and the industry, as young farmers' clubs provide the next round of leaders for the industry. Can the Minister confirm that the level of funding is the same, and will she agree that young farmers' clubs will rise to the challenges that she has set before them?

The Minister of Agriculture and Rural

Development: Subject to a business case, we have agreed that £75,000 per annum will be available over the three-year period. I welcome the Member's supplementary question as he was the first Member to raise the matter. John was first out of the traps, and I am delighted that we have come to an understanding with the young farmers' clubs. I look forward to working with them in future.

Mr Deputy Speaker: Obviously, the word "young" has a wide definition, Mr McCallister. Questions 2 and 3 have been withdrawn. Mr Gerry McHugh is not in his place to ask question 4.

Red Grouse

5. **Mr McFarland** asked the Minister of Agriculture and Rural Development what action her Department has taken to encourage the introduction of red grouse into mountain areas.
(AQO 1110/11)

The Minister of Agriculture and Rural

Development: The College of Agriculture,

Food and Rural Enterprise (CAFRE), which manages the Glenwherry Hill farm, initiated the Glenwherry Hill regeneration project in 2009. That project aims to protect a wide range of habitats, including those for red grouse, hen harrier, merlin, curlew and snipe. The project involves a partnership between the Irish Grouse Conservation Trust, the RSPB and CAFRE. The Environment Agency and the Agri-Food and Biosciences Institute also make a significant contribution to the project through their advice, support and scientific input.

That pioneering environmental project has an agreed five-year management plan that satisfies the interests of the various partners and the demands of protective legislation. Already, the project has shown great success, with red grouse numbers in the past three years increasing from six pairs to 200 pairs, surpassing all expectations. The significance of that achievement cannot be overstated because, in 2004, the total number of red grouse across the Six Counties was estimated at between 200 pairs and 221 pairs.

The Glenwherry Hill regeneration project recognises that proactive management is essential in securing sustainability in biodiversity and in the livelihoods of those who live and work in the hills and uplands. In practice, management includes the burning of heather to provide a food source for young grouse chicks, sheep-grazing management, predator control and providing grit for the grouse. I launched the project at Glenwherry on 19 January, where I learned at first-hand of its success to date. I also assure the House that the aforementioned organisations were extremely positive about the potential benefits that may accrue in due course, and the publicity surrounding the project has been positive.

Funding is available to participants in agrienvironment schemes to encourage heather regeneration, as well-managed heather is a great asset to the farm, providing a valuable wildlife habitat for priority species such as the red grouse, curlew and Irish hare. I am interested in hearing the views of farmers and landowners on the benefits that agrienvironment schemes bring. My staff are in discussion with farmers and landowners to improve that in future.

Mr McFarland: I thank the Minister for her answer. How many farmers who are involved with the countryside management scheme

intend to help with the regeneration of the red grouse?

The Minister of Agriculture and Rural

Development: I do not know, because we do not yet have that information. We are reopening applications for the countryside management scheme, but I do not know how many farmers will be in a position to get involved in that work. I assure the House that my officials will be emphasising the importance of that work and its benefits to farmers whose land is applicable.

Mr Deputy Speaker: I call the other red grouse expert, Patsy McGlone, to ask a supplementary question.

Mr McGlone: I am not too sure about that, Mr Deputy Speaker. Gabhaim buíochas leis an Aire as ucht an fhreagra sin. I have been involved with a project on those matters outside Lough Fea in the Sperrins. Will the Minister ensure that there is a complementarity of effort between her Department and the Department of the Environment, particularly through the Northern Ireland Environment Agency, to maximise effort rather than one Department pulling in one direction and another Department pulling in another? We have noticed that happening on one or two occasions, especially around the burning of heather.

2.15 pm

The Minister of Agriculture and Rural

Development: I do not think that there is any question of pulling in separate directions on this issue. My officials have worked very well with officials in the NIEA and are in regular communication with them. Where any land under agrienvironment agreement falls within a designated area, the Environment Agency is consulted as to the management required for that land. However, as the delivery agent for the countryside management scheme, we prioritise that work, and the NIEA provides advice and support to it.

Mr Deputy Speaker: Questions 6 and 7 were grouped with question 1.

Allotments

8. Lord Empey asked the Minister of Agriculture and Rural Development to outline how her Department encourages and supports allotment

holders to increase vegetable production, whether in an urban environment or as part of a farm diversification scheme. (AQO 1113/11)

The Minister of Agriculture and Rural

Development: Under axis 3 of the rural development programme, there is an opportunity for farmers, their family members or other landowners to supplement their income by allocating an area of land for rent by the public as allotments. Such enterprises have an additional beneficial effect of enabling members of the community to have access to the outdoors and to the facilities to grow their own produce.

Local action groups may allocate grant aid to landowners for setting up allotments and facilities in rural areas, subject to congruence with agreed local development strategies, robust economic appraisal and competitive assessment. To date, five projects, including one feasibility study, have been offered up to £100,000 in axis 3 grant assistance for the development of allotments, while a further two are undergoing project assessment. One project in the south Antrim area has been completed.

Lord Empey: I thank the Minister for her response. She will be well aware that, in the past, some local authorities have had allotments policies. She will also be aware that there is fierce competition for those allotments, particularly in urban areas. However, the real issue here is diversification. There are huge benefits if that can be achieved in rural communities. How does the Minister's Department intend to promote that, particularly from the point of view of farm diversification? It is clear that the more of that sort of activity that can take place in rural areas, the better, and, ultimately, people can make small businesses out of them.

The Minister of Agriculture and Rural

Development: There are a number of win-win situations in the whole issue of allotments. Under axis 3, farmers, their family members or private landowners may avail themselves of financial assistance for viable, sustainable projects at a rate of up to 50% of total eligible project costs, up to a maximum grant amount of £50,000. However, social economy enterprises may also avail themselves of financial assistance at a rate of up to 75% of total eligible project costs, up to a maximum grant amount of £250,000, subject to the

state aid de minimis rule. Therefore, there are opportunities for social economy projects that want to get involved in this issue and can work with local farmers and landowners to bring that about.

Mr Bell: Given that food security is a priority for Europe, is there any way that the Minister's Department can make the bureaucracy less bureaucratic? Most people who are setting up a small business will be unable to go through the rules and regulations set down by Europe. If we go out and say that there is £250,000 available to set up a small business, it will attract a huge amount of interest. However, when people see the tomes of European regulation and bureaucracy, they will not be able to work through it and will give up after about the second volume. Can anything be done to make that information more accessible?

The Minister of Agriculture and Rural

Development: It is very interesting that that question comes in the same week as the comments that we had about serious farmers. We are talking about allotments and producing more food and people being able to produce their own fruit and vegetables. I believe that anybody who contributes to our food supply and anybody who grows food for export or for the domestic market deserves respect and deserves to be appreciated for what they do.

I have made it very clear to the Commission and to all those working along with me, including the Agriculture and Rural Development Committee and our three MEPs, that those issues come up in conversation frequently. I believe that we need to support everybody who is contributing to the European food pot and ensuring that we have food security. We export so much of our beef and milk that, sometimes, we think food security is something that other member states need to take cognisance of, but I think that we are only a few decades from the biggest famine in this country. That memory will not leave us, and we want to ensure that there is a viable, sustainable food supply for future generations on the island of Ireland.

Mr Dallat: Does the Minister agree that most of us are probably second-generation rural dwellers and that, even though we live in towns, we have a fascination with getting back to the countryside? It is now accepted that health and the growing of vegetables are related. Has she had any conversations with the Health Minister

and, indeed, the Minister of Education, about making this a cohesive venture, from which farmers would, in fact, benefit as well as people who have allotments?

The Minister of Agriculture and Rural

Development: I have had discussions with the Health Minister and the Minister of Education about the availability of fresh local produce for the most vulnerable in our society. That is certainly becoming increasingly popular. Work by people such as Richard Corrigan and Darina Allen has encouraged people to try to grow at least some of their own food and has made people aware of the benefit that it brings. We all know how exciting it is for children to see something that they have planted come to fruition. We can all start with a pot of tomatoes on a sunlit windowsill, and take it from there.

The Member made the important point that we are all just one or two generations away from the land. Indeed, some of us are still on it. It is important that children know where food comes from and the significance of the seasons to what we buy to eat, so that we do not lose track of where we come from and how we need food to sustain us.

Kilkeel Harbour

9. **Mr W Clarke** asked the Minister of Agriculture and Rural Development for an update on the proposal for a new breakwater at Kilkeel harbour. (AQO 1114/11)

The Minister of Agriculture and Rural

Development: In 2010, the Department carried out an economic appraisal on the options for improving navigational safety at the entrance to Kilkeel harbour. The appraisal considered a range of options to reduce risks to what is known as ALARP — I hate acronyms, but they have to be used — or, as-low-as-reasonably-practicable levels. They included breakwater construction options, which earlier technical studies had concluded would achieve ALARP levels. However, other options were also identified and considered. They included the relocation of the fleet and the introduction of an enhanced safety-management system.

The overall aim of the appraisal was to improve navigational safety at the approach to the Kilkeel harbour entrance. The appraisal concluded that the introduction of an enhanced safety-management system would also reduce

the safety risk to ALARP levels and that that solution represented the best value for money and could be implemented more quickly and at lower cost than a breakwater. The estimated cost of an enhanced safety-management system is £192,000; the cost of a breakwater is £15 million.

I have, therefore, decided that, in order to address the concerns about access to Kilkeel harbour in certain adverse conditions, an enhanced safety-management system should be developed and implemented as soon as possible. I have asked the Fishery Harbour Authority to draw up proposals for such a system, which will be prioritised for consideration for funding from the European Fisheries Fund (EFF). When the system is installed and operational, it will be reviewed after three years to ensure that the safety risk at the entrance to Kilkeel harbour is being maintained at as-low-as-reasonably-practicable levels.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her response. I agree with her that safety is paramount. It is absolutely essential that seafarers are protected. Obviously, resources are limited. Therefore, we have to be pragmatic. Will the Minister comment on proposals by the Fishery Harbour Authority to increase landing dues?

The Minister of Agriculture and Rural

Development: Certainly. The Member mentioned safety. Problems arise when a vessel attempts to gain access to the harbour when it is not safe to do so. I fully recognise the skill and judgement displayed by skippers over the years, which have helped to avoid serious incidents. Hopefully, the decision I have taken will give them better information about the navigational conditions that prevail at the pier head.

For some years, the Fishery Harbour Authority has not generated enough income to meet its operating costs. That deficit has been met by drawing on reserves that were built on in previous years. As reserves have depleted, the authority has asked that it receive grant aid from the Department. I have agreed in principle that that should be paid, subject to necessary statutory provisions being put in place.

Mr McCallister: I am grateful for the opportunity to ask a supplementary question, because this is a constituency issue. I welcome the Minister's

response; it is a scheme that we would all like to see. What is the likely timescale? Has the Minister any dates in mind that she would like to work towards? From where will possible sources of funding be sought? Will they be sought from Europe, for instance?

The Minister of Agriculture and Rural

Development: I cannot give a definitive timescale, but as soon as practically possible. We will be looking at EFF as a vehicle for bringing it forward.

Brucellosis: County Armagh

11. **Mr Brady** asked the Minister of Agriculture and Rural Development for an update on the brucellosis outbreak in the Keady and Lislea areas, including any action being taken by her Department. (AQO 1116/11)

The Minister of Agriculture and Rural

Development: Most brucellosis breakdowns in the North of Ireland in 2010 were in Lislea and Keady, with eight and 11 confirmed breakdowns in those areas respectively. However, more than three quarters of those were in the first half of the year, and there was a significant reduction in new outbreaks in the latter part of the year. The most recent confirmed breakdowns in the North were disclosed in November 2010, and no infected herds have come to light since then.

Additional control measures continue to be employed in the Keady and Lislea areas, including controls on cattle movements; an increased frequency of herd blood testing; additional bulk milk testing; surveillance of animals at abattoir; and additional Veterinary Service epidemiological unit visits to investigate the patterns of disease.

I have also had constructive meetings with the PSNI Chief Constable and the Minister of Justice, David Ford, about fraudulent and illegal activity involving livestock. Earlier this month, I met the Irish Farmers' Association and the Ulster Farmers' Union to reassure them of our continued robust approach to disease control and to those who may seek to gain from disease spread, particularly in breakdowns that are close to the South.

Mr Brady: I thank the Minister for her answer. Will the Minister give the House some idea of when she thinks brucellosis will be eradicated in the North?

The Minister of Agriculture and Rural

Development: If progress is maintained, we could see eradication within three years. Subsequently, that could lead to our obtaining official brucellosis-free status and allow some easement in the testing regime. However, we cannot be complacent, as the events of 2010 taught us that brucellosis hot spots can develop with a risk of considerable spread.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra a thug sí. Does the Minister agree that the word "outbreak" is a bit of a euphemism, since the disease was deliberately introduced into Lislea and Keady? Can the Minister give an indication of the costs sustained by her Department to date as a result of the disease being criminally introduced into those areas?

The Minister of Agriculture and Rural

Development: I want to be clear. We know that the incident in Lislea late in 2009 was fraudulent; however, proving that others are fraudulent is difficult. In fact, it is not necessarily the case that they were fraudulent. Since brucellosis is such a contagious disease, the herds of many farmers in the area of the Lislea incident contracted that disease accidentally and through no fault of their own. It is important that we do not criminalise people for being victims.

Mr D Bradley: Some were deliberately introduced.

The Minister of Agriculture and Rural

Development: Not all cases were deliberate. I have to give an absolute assurance to the House that there were accidental breakdowns in neighbouring herds as a result of a deliberate case. There is no doubt that there was a deliberate case, but not every animal that contracted brucellosis since late 2009 was infected deliberately. We are not about to criminalise anybody who found themselves a victim in this scenario.

I accept that the Member has asked more than one question. I do not have the costs with me, but I am happy to come back to the Member in writing.

Rural Roads

12. **Mr McGlone** asked the Minister of Agriculture and Rural Development whether she has made any representations on behalf of

rural communities to the Minister for Regional Development about the state of rural roads, and in particular, the poor condition of most unclassified roads. (AQO 1117/11)

The Minister of Agriculture and Rural

Development: As the Member is aware, responsibility for the maintenance of the North's rural road infrastructure lies with the Department for Regional Development. As part of the development of actions for inclusion in the rural White Paper, which I hope to publish soon, I have had many bilateral meetings with Ministers about the challenges facing our rural communities. When I met the Minister for Regional Development, I raised the issue of rural roads. The Minister assures me that he continues to see rural roads as an important issue and that he will do all that he can within the resources available to him to maintain the roads infrastructure to keep it safe, effective and reliable. I refer the Member to Minister Murphy's response to AQW 3641/11 in relation to the maintenance of roads.

Mr McGlone: Perhaps, I can refer —

Mr Deputy Speaker: Order. That concludes questions to the Minister of Agriculture and Rural Development.

2.30 pm

Culture, Arts and Leisure

Mr Deputy Speaker: Question 3 has been withdrawn and a written answer has been requested.

Arts: Funding

1. **Mr McDevitt** asked the Minister of Culture, Arts and Leisure whether he or his Department has conducted an assessment of how many jobs could be lost in the arts sector as a result of the cut in the grant to the Arts Council. (AQO 1120/11)

7. **Mr Lyttle** asked the Minister of Culture, Arts and Leisure for an update on funding for the arts. (AQO 1126/11)

The Minister of Culture, Arts and Leisure

(Mr McCausland): With your permission, Mr Deputy Speaker, I will answer questions 1 and 7 together.

My Department's indicative budget for the arts includes funding for the Arts Council, Northern Ireland Screen, creative industries, architecture, community festivals and departmental administration costs. I recently met the Arts Council to discuss the implications of the draft Budget and my priorities for the arts. I appreciate that the Arts Council's total resource budget over the four-year period of £50.286 million represents a 7.7% reduction from the 2010-11 baseline position. I should point out that, when the Arts Council's 2011-12 opening resource budget of £13.696 million is compared with the 2006-07 opening resource budget of £10.595 million, it is clear that investment in the arts has increased significantly during devolution. That is evidence of the Executive's appreciation of the hugely important role played by the arts in our society. I am, however, aware that the Budget represents a major challenge to the Arts Council and the sector.

I will continue to work with my officials, the Arts Council and other stakeholders in an effort to ensure that the impact of cuts is minimised. I will also carefully consider the responses to the public consultation on the draft Budget before allocations are finalised. The Arts Council estimates that 15 to 20 arts organisations could close, with up to 100 jobs being lost over the Budget period.

Mr McDevitt: I thank the Minister for his initial reply. Given the priority placed in the Programme for Government on growing an innovative, dynamic and creative economy, does the Minister not agree that cuts such as those that he is implementing in his departmental budget will only further undermine the creative economy's ability to play a positive role in bringing this region out of recession and getting its people back to work?

The Minister of Culture, Arts and Leisure: I very much regret that our budget is not as large as one would wish, but, nevertheless, it is the budget that we have been allocated and we, along with other Departments, have to face the implications of the £4 billion cut in the Northern Ireland block grant. It is, therefore, important that we do all that we can to ensure that money is spent wisely, that we get value for money, that we seek to secure other sources of funding into the sector and that we make sure that the sector is as viable and successful as possible because, as the Member rightly says, creative industries are an important part of rebuilding,

reshaping and refocusing the Northern Ireland economy.

Mr Hilditch: Despite the cuts that the Minister is being forced to implement due to the Tory cuts, will he attempt, where possible, to protect the creative industries sector?

The Minister of Culture, Arts and Leisure:

There are some 36,000 people in Northern Ireland employed in the creative industries or in creative occupations. The creative industries are recognised across the world for their potential for job and wealth creation. I recently announced a new investment of £4 million in the creative industries, which will build on the success of the creative industries innovation fund.

I am pleased that the Department will continue to play a catalytic role in nurturing the creative industries sector by supporting the emergence of creative talent and creative entrepreneurs who can generate significant economic benefits for the region and help rebuild and rebalance the economy. That investment recognises the importance and potential of the sector to Northern Ireland and will support the region in competing and succeeding on the world stage.

Mr Lyttle: Given the vital contribution that the community arts sector makes, particularly to local community relations and building a shared future through community regeneration, how will the Minister ensure that it will receive a fair funding allocation in the budget?

The Minister of Culture, Arts and Leisure:

We are still working through all the details of those things, but the Member rightly identifies the importance of the community arts sector, along with that of the voluntary arts sector and the professional arts sector. They are complementary, and all have a vital role in ensuring a vibrant arts sector in Northern Ireland. Whatever can be done will be done.

Mr Butler: The Minister said that 15 to 20 arts organisations will be affected by the reduction in the budget, with job losses incurred. How disadvantaged will rural arts projects be, compared with urban arts projects?

The Minister of Culture, Arts and Leisure: It is premature to go into any detail on that because we are still working with the Arts Council. Ultimately, decisions about the allocation of money across sectors will be made by the Arts Council. If there is an impact on the sector, it

will be felt in urban and rural areas. We must ensure, however, that whatever happens will happen in a balanced way.

Mr Kinahan: When you, Minister, were assessing the cuts caused by the Labour-DUP overspend, I wonder whether you assessed the health and welfare implications of cuts in the arts.

The Minister of Culture, Arts and Leisure:

I want to address the issue of the impact on the Northern Ireland Budget of the draconian cuts of £4 billion imposed by the Conservative-Ulster Unionist-Liberal Democrat and, maybe, Alliance coalition at Westminster. I always find it strange that people were encouraging others to vote for the Conservatives at the previous election.

With regard to the benefits that flow from the arts, the Member mentioned health. There is a wide range of benefits: social, health and economic. All those are important issues in arguing for more resources for the arts. I recognise the point that the Member makes about the arts having a role to play in physical and mental health.

Stadium Safety

2. **Lord Browne** asked the Minister of Culture, Arts and Leisure to outline the steps both he and his Department have taken to improve stadium safety. (AQO 1121/11)

The Minister of Culture, Arts and Leisure:

Responsibility for taking steps to improve stadium safety rests, in the first instance, with the owners and operators of stadiums. However, my Department and I have for some time had in place a safe sports grounds initiative, the aim of which is to assist owners and operators of major stadiums to improve spectator safety at their grounds.

Steps that have been taken include, first, the introduction and full implementation of safety legislation, as called for by the Northern Ireland Assembly. As a result, there is now in place a statutory safety certification scheme in Northern Ireland for larger stadiums and stands, which is administered by district councils. Secondly, there is financial support for ground improvements. To date, more than £16 million has been awarded by Sport NI for that purpose, and roughly a further £1 million will be provided before the end of this financial year. Thirdly, we have established Department-approved NVQ training courses for match stewards. Those are

now freely available at a number of Northern Ireland-based further education colleges. Fourthly, a Northern Ireland guide to safety at sports grounds, known as the red guide, has been published. That sets out technical guidance and standards on spectator safety issues. Finally, a safety oversight body has been created in Sport NI to provide ongoing advice and guidance on safety matters to all interested parties and to monitor the implementation of the statutory safety certification scheme.

In addition, I am supporting the Justice Minister David Ford in developing, as part of the Justice Bill, much-needed and complementary criminal law legislation to help stadium owners to combat certain forms of dangerous and disorderly conduct that can occasionally occur at games.

Lord Browne: I thank the Minister for his answer. I am sure that he would agree that spectator safety is of the utmost importance and that it is important that the Safety of Sports Grounds Order be fully implemented. Under what programmes has funding been made available to stadium owners to carry out safety improvements to date?

The Minister of Culture, Arts and Leisure:

Funding has been made available to date under the following Sport NI-operated programmes: an interim funding package of £3.5 million; the Football Foundation, which provides £1.17 million to football clubs only; and a stadia safety programme of £11.49 million. The remaining figure of approximately £1 million, which I mentioned in my answer to the substantive question, is being used for a stadia safety urgent works programme run by Sport NI: £531,000 for equipment and £452,000 for infrastructure works.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. The Minister will know that there is a direct link between stadia safety and spectator control. In light of that, will the Minister outline his position and his Department's position on the behaviour and chanting of some local soccer fans in and around the Aviva Stadium in Dublin recently? What steps are his Department taking in association with Sport NI and the IFA to ensure that there is no recurrence of such offensive behaviour when local soccer fans return to Dublin in May?

The Minister of Culture, Arts and Leisure:

I am tempted to say that the legislation that we are dealing with relates to stadia in Northern Ireland. The events to which the Member referred happened in the Irish Republic, which is another country.

The behaviour in Dublin that we saw on a YouTube clip was, obviously, deeply disappointing and totally unrepresentative of the good behaviour of the overwhelming majority of the 6,000 Northern Ireland fans who were in Dublin for the match. Much work has been done by the IFA and the Amalgamation of Official Northern Ireland Supporters Clubs to address issues with behaviour, and they have been recognised as being among the very best supporters in Europe. It is regrettable that that reputation has been tarnished by the appalling behaviour of a small number of people in Dublin.

Mr A Maginness: I concur with what the Minister said about the appalling behaviour of some fans.

Will the Minister reassure the House that all sporting organisations, whatever stadia they have, will have access to the necessary resources to bring their stadia up to the required health and safety standards that the Minister is working towards?

The Minister of Culture, Arts and Leisure: The Member homed in on the phrase "all sporting organisations". I assure him that we treat all sports equitably, fairly and independently. We are absolutely clear on that, and it is something that I made very clear to all the main sporting bodies on meeting their representatives when I took over the position two years ago.

Mr Deputy Speaker: Question 3 has been withdrawn.

Elite Sports Facilities

4. **Mr B Wilson** asked the Minister of Culture, Arts and Leisure whether he will consider compensating those bodies which incurred significant expenditure in planning the five elite sports facilities for which funding has now been withdrawn. (AQO 1123/11)

The Minister of Culture, Arts and Leisure: All Departments are going through the biggest budget cuts that have been experienced in a generation, as a result of the Conservative and Liberal Democrat imposition on our Budget. I

say that for the benefit of Members who had forgotten that. As a result, while some of my Department's key priorities were met, others were not. I am disappointed not to have the funding to invest in the major facilities and infrastructure programme, which is more commonly known as elite facilities. I am conscious of the commitment and work put in by organisations and individuals in developing their projects and in bringing all the preferred bidders' bids to the outline business case stage.

As regards compensating those preferred bidders for the expense of developing business cases, in line with general and accepted practice for all applications for capital funding to my Department and, indeed, to many organisations within and without government, any expense incurred in making a bid to the programme was taken at risk. It was made clear to applicants at various stages throughout the process that that was the case and that the programme was dependent on securing the related budget. In such circumstances, I regret that there is no provision to refund costs incurred by the preferred bidders.

Mr B Wilson: I thank the Minister for his response. Unfortunately, I find it very disappointing. The withdrawal of funding at this late stage is unacceptable. I will refer to the case of Ballyholme Yacht Club and its application. I declare an interest, as the council provided a £5,000 grant towards the application. The club spent £40,000 on putting forward its application, which is money that could have been used in the club. Does the Minister not feel any responsibility to offer some form of compensation?

2.45 pm

The Minister of Culture, Arts and Leisure: The Member used the word "withdrawal", but money was not actually withdrawn. Money was bid for, but, when the Executive allocated resources to the various Departments, money was not allocated to that particular purpose. Therefore, it is not a case of withdrawing that money; it was not there to be withdrawn.

I dealt with the issue that the Member raised about refunds in my initial answer. It is not general or accepted practice for refunds to be made in applications for capital funding, and those projects are taken forward at risk. I understand and share the Member's

disappointment that we are unable to take those projects forward. It would give me great pleasure to do so. However, we are unable to do that at present, and that is an unfortunate consequence of the situation that we face.

Mr Wells: I am sure that all Members also feel that it was regrettable that the Minister was unable to get the funding that he requested. Had that funding been available and had the projects gone through to the final stage and been accepted, what would the revenue consequences have been for the providers? I refer particularly to my council area, Down District Council, in which there is an application to build a velodrome.

The Minister of Culture, Arts and Leisure: I welcome the Member's question, and he raises a very important point. There is no guarantee that all the projects would have gone ahead. Projects were required to demonstrate, through their outline business case, that, among other things, there was definable need and operational viability.

The outline business cases were closely examined by economists from Sport NI and DCAL. My Department's economists identified a range of issues, including demonstrable need, value for money and, as the Member identified, the ongoing running costs of the projects. By way of example, one project proposed to operate at a considerable operating loss, which potentially would have presented the ratepayers in that council area with a substantial bill of some £700,000 to £800,000 a year. Some projects also created revenue consequentials from borrowing requirements, and my Department, rightly, needs to consider those issues when examining the value for money and ongoing viability of major projects. Those issues would have needed to be examined further by the applicants, with no certainty that they could have been resolved to the satisfaction of the Department. Given the financial scale of the projects, it would also have been necessary to refer the outline business cases to DFP for scrutiny and approval.

The business case for the velodrome in Down District Council area estimated that the borrowing that the council would need to take the project forward would add 3.4% to district rates. A further impact on the district rates would be the additional £250,000 required to run the velodrome, and that would be over

and above the running costs for a replacement leisure centre. Broad estimates indicate that that would add a further 1·6% to district rates, bringing the overall impact of financing the project and paying the extra running costs to an additional 5% on district rates. That also assumed that the council would receive £4 million from the sale of the land.

The proposal for a basketball and volleyball centre of excellence in Lisburn and the Antrim athletic project —

Mr Deputy Speaker: Time, Minister.

The Minister of Culture, Arts and Leisure:

Those projects would have had annual operating deficits of around £110,000 and £100,000 respectively.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. By the sound of it, the Minister will not compensate the councils. However, I believe that he should, because the councils concerned have put considerable time and resources into those projects. Following on from Jim Wells's question, could the Minister not progress the velodrome project to the third stage and allow for the possibility of resources for capital projects becoming available?

The Minister of Culture, Arts and Leisure:

It is absolutely essential to have a business case that stacks up, and I would have thought that the Member would understand that. In my answer to Mr Wells, I indicated that an increase of 5% in the district rates for Down District Council would have been required to pay for the velodrome. Perhaps that council would have been happy to do that —

Mr W Clarke: There is a new leisure complex —

Mr Deputy Speaker: Order.

The Minister of Culture, Arts and Leisure:

Maybe the Member was willing to argue the case for an extra 5% on rates at a time when most people were trying to keep rates below inflation. However, those are the financial implications of proceeding, and it is important that people are aware of that. Councillors and ratepayers will want to know the long-term implications.

From personal experience on Belfast City Council, I can say that leisure centres were put up all over the place in the 1970s. However, people have to face up to the burden on the

ratepayer of the running costs of those over 30 years. People need to think about the long-term implications. It is possible to see the appeal, and it is a very appealing project, but the cost implications need to be recognised.

Mr K Robinson: As the gentleman over here referred to Ballyholme Yacht Club, I suppose that I must declare an interest. My brother was a commodore there, and I once shared a boat with the Member's wife.

Mr Deputy Speaker: Order. Perhaps the Member would include everybody in the question.

Mr K Robinson: Thank you, Mr Deputy Speaker. What is the total amount of lead-in money already expended and, to some degree, lost on these programmes, which will be cancelled as a result of the spending cuts that are about to overtake us?

The Minister of Culture, Arts and Leisure:

The specific cost incurred to date by each programme is a matter for the applicants. The consultants employed to take forward their individual business cases were appointed directly by the applicants, and the negotiation of fees and the amounts involved were entirely a matter between the two.

City of Culture 2013

5. **Mr P Ramsey** asked the Minister of Culture, Arts and Leisure whether he or his departmental officials have met with the Derry-Londonderry City of Culture 2013 organisation committee to help it identify further possible funding opportunities and to discuss a strategy to promote the city throughout Ireland and overseas in advance of 2013. (AQO 1124/11)

The Minister of Culture, Arts and Leisure:

The initial bidding process for the 2013 City of Culture competition was taken forward by the city council of Londonderry in conjunction with Ilex, the urban regeneration company. DCAL officials were involved in meetings and seminars in the run-up to the successful bid. In addition, DCAL is represented on the UK City of Culture working group. Although there have been no meetings specifically with the 2013 organisation committee, DCAL officials are in regular contact with the 2013 promoters to keep up to date with progress.

The programme for the United Kingdom City of Culture should be inclusive and open to

everyone, and work should be done to ensure that cultural groups in the city have the opportunity and the capacity to participate in what we hope will be a very successful UK City of Culture programme.

Mr P Ramsey: In 2013, the most important event in Northern Ireland will be the City of Culture and related activities around Northern Ireland, not just those in my constituency. However, it is important to maximise the impact of the event and to have a cross-departmental approach through the Executive. Will the Minister outline what efforts are being made through the Executive and by his Executive colleagues to ensure that programme moneys are tabled and presented to maximise the importance of the event?

The Minister of Culture, Arts and Leisure:

A range of funding will come to the city of Londonderry in 2013. The Member is right: we want that done in a joined-up way. Resources will come from DSD and OFMDFM, and there will be ongoing support for the city, as there regularly is, from the Arts Council as the funder of arts and cultural programmes. I am sure that sport will also have a role to play, because the City of Culture will look at culture in a broad manner that will include sport.

Ms M Anderson: Go raibh míle maith agat, a LeasCheann Comhairle. In answer to the previous question, the Minister said how important it was to have a business case that stacked up. With regard to the City of Culture, has he received such a business case supporting proposals from the lead partner, Derry City Council? Has his Department received such a robust business case, which, as he said, is important?

The Minister of Culture, Arts and Leisure:

A business case is required for a major investment. DCAL has contributed substantially to the capital infrastructure work in Londonderry. I have made it clear that, in respect of funding other programmes, DCAL has not allocated any funding towards the cost of programming. The UK City of Culture competition was initiated by the Department for Culture, Media and Sport in London. It was made clear at the outset that no additional funding would be provided to cities bidding for the award, either for the bidding process or for programming, in the case of the successful city. That funding position was communicated to all councils in a ministerial

letter in July 2009 and further emphasised in a follow-up letter from DCAL officials in August 2009. The investment by my Department is ongoing, but there was major investment in capital works. I am sure that the Member is aware of all those investments in Londonderry.

Mr Humphrey: What have the Executive, through DCAL, invested in Londonderry in recent years, and how much did the council in Londonderry contribute to those projects?

The Minister of Culture, Arts and Leisure: DCAL has made a significant investment in the arts and cultural infrastructure of Londonderry over the past number of years. That was primarily through the North West Cultural Challenge Fund. That fund of £4 million supported projects such as the refurbishment and extension of the Playhouse and Waterside theatres and the new Cultúrlann Uí Chianáin Irish language arts and culture centre. The Mute Meadow public art project is under way and is programmed for completion by the end of March 2011.

I have details of all the investments that have been made in recent years in Londonderry: the Nerve Centre, the Gasyard Development Trust, the Verbal Arts Centre, An Gaeláras, the Waterside Theatre, the Foyle public art project and the Playhouse. The total investment was some £11.914 million. DCAL contributed £6.42 million to that from the Department directly and through the Arts Council. Other Departments and trusts contributed £5.4 million. Organisations raised £97,000. The council did not contribute anything.

I make that point because it arose in response to a question put to me at a previous Question Time about investment by government in the arts in a particular area. There is a role for central government, but there is also one for local government. I made that point in regard to a council in mid-Ulster, and it needs to be taken on board. Everyone needs to play a part: central government, local government and the private sector.

Mr Elliott: Will the Minister clarify whether he or his officials have had any discussions with any of the Loyal Orders in the city of Londonderry regarding the City of Culture?

The Minister of Culture, Arts and Leisure: The organisation of the programme and so on is the responsibility of the Ilex urban regeneration company, which is taking it forward in

conjunction with the city council of Londonderry. It is not something in which my Department has direct involvement.

The Member will pick up on the point I made in my initial answer. The programme must be inclusive and open to everyone, and that is not merely to say, "The door is open. You have an opportunity". It must also address issues of capacity to engage and participate. I hope that, at the end, we will see a City of Culture programme that reflects the rich cultural diversity of Northern Ireland and especially the rich cultural diversity of the city of Londonderry, in which organisations such as the Apprentice Boys of Derry have a particularly important role. The history of the city of Londonderry is diverse. There was a time in the nineteenth century when all the experts and those writing guide books commented on the Ulster-Scots nature of the city of Londonderry. I am sure that that is another aspect, in addition to the Loyal Orders, that will feature extensively in the programme.

Kennedy Kane McArthur

6. **Mr Storey** asked the Minister of Culture, Arts and Leisure for an update on plans to mark the centenary of Kennedy Kane McArthur's Olympic marathon victory. (AQO 1125/11)

The Minister of Culture, Arts and Leisure:

Members will be aware from previous questions that I have met twice with the Dervock and District Community Association (DDCA). Through those meetings and subsequent correspondence, a number of opportunities have been highlighted, including events, funding, promotion, websites, the London 2012 Inspire programme and Open Weekend. My officials remain willing to offer guidance and support in relation to those opportunities. I also recommended that the DDCA seek support from local government, and it is my understanding that a working group is being set up.

In November, when I met representatives of the torch relay team in the London Organising Committee of the Olympic Games and Paralympic Games, I personally recommended that the torch pass through Dervock. However, final decisions on that will rest with LOCOG.

3.00 pm

Executive Committee Business

Welfare of Animals Bill: Final Stage

Debate resumed on motion:

That the Welfare of Animals Bill [NIA 28/09] do now pass. — [The Minister of Agriculture and Rural Development (Ms Gildernew).]

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I thank the Committee Chairperson, the Minister, departmental officials and all those who contributed to this very worthy legislation. For the benefit of those Members who are perhaps not au fait with it, the Bill will replace the Welfare of Animals Act 1972, which was not fit for purpose to deal with modern issues that affect the welfare of animals. I believe that the Bill will ensure that we have the most robust animal welfare law on these islands.

The Bill will mainly enshrine in law the welfare of all protected animals, including domestic pets and horses. It will enable action to be taken to prevent suffering, unlike the current position, which is that action is to be taken after suffering has been inflicted. We are all aware of and have seen on our TV screens dishevelled dogs, horses and other animals. The Bill will enable us to end the suffering that the public are witnessing.

There have been emotional and confrontational aspects to the Bill's passage, mainly where the docking of dogs tails was concerned. I believe that the amended clause on that subject is too wide-ranging and that enforcing it will create major problems for councils. Given the evidence, I realised that an argument could be made that some working dogs could be exempted. The Minister's proposal on that was fit for purpose.

However, we are where we are, and we will see in the future the problems that enforcement will cause local authorities, both in resource —

Mr Elliott: Will the Member give way?

Mr W Clarke: I will.

Mr Elliott: I thank the Member for giving way on that point. He mentioned local councils. Does he agree that the Bill will hand over quite a bit of responsibility to local councils but not enough

resources to go with it? Does he also agree that some local councils may struggle because of that lack of funding and because the police, DARD and other authorities will put a lot of pressure on them to deal with issues that are not currently in their remit but will be?

Mr W Clarke: The Minister can speak for herself about resources. I know that £760,000 is to be allocated to animal welfare over the Budget period, and there will be further discussions on that. Next week, for example, we have a meeting with NILGA and council representatives. The Minister, the Committee and departmental officials have been working their way through that matter.

I agree that the Executive need to take on board the fact that a plethora of new responsibilities is coming to local authorities.

Mr I McCrea: The Member referred to future meetings with NILGA and council officials. Does he not feel that that is too little, too late? Should the consultation not have happened prior to this process? I appreciate that in previous debates there was reference to discussions having been held with NILGA on another issue and that this subject came on the back of those talks. Does the Member not agree that that consultation should have been carried out properly and at the right time so that councils could have bought into the issue fully?

Mr W Clarke: I agree with the Member. Consultation can always be improved on. I declare an interest as a local councillor. This matter came before the councils, but they did not perhaps realise the responsibilities that would come to them as corporate bodies.

Council officers did a lot of work, but elected representatives were not au fait with what the extra responsibilities were going to be, which resulted in a disjointed approach to the issue. That can be improved on, and we have 12 months in which to get things right. It is about working in partnership and co-operation to get the best legislation and outworkings. There is a lot of work to do, and I am sure that the Minister will talk about the ongoing work that will be done. If we work at it in a genuine way, I am confident that it will be done.

I will not draw the point out too long. I want the Minister to indicate a time frame to deal with dog-breeding establishments and subordinate legislation. From the Committee's perspective,

the evidence that we received showed that many dog-breeding establishments want greater regulation. They want to be scrutinised and to be treated like any other business. It is an emotive issue, and there are some unscrupulous dog breeders. We must ensure that animals are protected, but we must also protect legitimate breeding establishments. The Member talked about the role of councils. That is a massive issue.

I want to thank everyone who contributed to the passage of the Bill. It is good robust legislation about preventing cruelty; everyone in the House will unite around that. We do not want cruelty to animals on the island of Ireland. The Bill is a major improvement in animal welfare legislation.

A constituent of mine, Sandra Marsden, who set up the 2nd Chance Wildlife Rehabilitation Trust in Newcastle, told me that she was concerned that we do not have a dedicated rehabilitation trust in the North and, indeed, that such provision in Ireland as a whole was very weak. She mentioned the work of the USPCA sanctuary at Carryduff. We need to look at that issue, because there have been numerous cases of cruelty. For example, a number of swans were infected recently, and, in such cases, we need isolation areas for those animals and resources for a dedicated centre. Sandra Marsden asked me to raise that matter today, and I hope that the Minister will respond. Government resources are needed to fund the dedicated rehabilitation of animals.

Mr Beggs: I declare an interest as a local government councillor in Carrickfergus and my parents having a farm business that has animals that may come under the legislation. The Bill significantly increases the protection of animals in Northern Ireland. We have been operating under outdated 1970s legislation while the rest of the world has moved on. In particular, new legislation was enacted in England, Wales and Scotland four or five years ago. To a degree, we are just starting to catch up. I welcome the fact that the Bill increases the responsibility of owners of animals to protect their welfare. It will also enable earlier intervention and increase the ability to access property when concerns are raised. However, the Bill is balanced. A careful approach is required when asking for access to an individual's home so there is a need for lay magistrates to be involved and for a suitable amount of evidence to be presented to allow a magistrate

to be convinced that the need for access to residential property is appropriate.

I very much welcome the increased powers to deal with issues such as dogfighting. Those will help to nail that illegal, barbaric activity. Other aspects of the legislation enable the seizing of equipment that may be used either in the transportation of animals or as part of some illegal activity. That will also make it much more difficult for those who are involved in illegal activity to get back to abusing animals.

Ongoing consultation with local councils will be needed, and I welcome the fact that some consultation will occur next week. During its discussions, the Committee became aware that there would be an extensive need for training in that area at local government level. The Department has agreed to delay aspects of the Bill to enable that to happen. That has been a healthy process. The Department has allocated a budget of £760,000 for local government to put against the cost associated with the additional responsibility. The situation will have to be monitored to see whether that is a suitable sum.

Many aspects of the legislation are enabling, and more regulations will follow down the line. That will give the Department more time to get the fine detail correct, which is proper. As reflected in the Bill, the Committee, during its scrutiny, expressed a preference for the affirmative resolution procedure so that the Assembly will have an opportunity to give its approval, or show its disapproval, of any proposals, rather than proposals being brought in and a negative resolution procedure having to be used after the event.

As others have indicated, the issue of the docking of tails became a very difficult area and one that was full of debate. Originally, the legislation proposed to ban the docking of all dogs' tails in Northern Ireland, which, I dare say, would have followed the model used in Scotland. However, as a result of the evidence presented to the Committee and the Committee's views on that, some wisdom prevailed. Exemptions were accepted to protect dogs that had a higher likelihood of damaging their tails in the normal activity in which they are involved.

Mr I McCrea: Some wisdom prevailed in the end, but I do not hide the fact that I do not agree with this part of the legislation at all.

Does the Member share my concern that, as it stands, once the legislation is enacted, there will be the potential for people to take dogs across the border into the Republic of Ireland, where there is not the same rigour or need for licensing on the docking of dogs' tails, and that that could have a negative impact on Northern Ireland?

Mr Beggs: That is an economic argument, not an animal welfare argument. This is the Welfare of Animals Bill. It has been indicated to me that many breeders in other parts of the United Kingdom are already bringing dogs through with tails. Therefore, it need not be as big an issue as the Member makes out. There is a risk that some breeders will move to get around the legislation. We cannot regulate on where shows and activities are held. However, we need to bear in mind that, as the Minister indicated earlier in the debate, legislation elsewhere may balance what is happening.

I go back to what I said originally: the Bill is primarily about animal welfare. I was astonished that some Members sought to grant exemption purely on the grounds of showing. An amendment was proposed to exempt dogs that are shown, which would have been a very strange aspect to include in an animal welfare Bill. I, too, tabled an amendment. The House has made its decision, and a balance has been achieved. It is not exactly as I would want or as the Member would want, but it is a reasonable balance that will make things all the better for animals in this part of the United Kingdom.

I hope that the Bill increases the likelihood of animals being treated better and makes it easier for statutory authorities to take early intervention against those who abuse animals, thereby ensuring that suffering and other animal welfare issues are minimised and, hopefully, brought to an end. I support the Bill, which is generally good legislation and is long overdue.

3.15 pm

Mr Lunn: I also declare an interest as a member of Lisburn City Council. We welcome the fact that the Bill has reached its Final Stage. As I am not a member of the Agriculture Committee, I will keep my remarks fairly brief. It was clearly time for a fresh look at the original 1972 Act, and, overall, we are pleased with the final result. The fundamental approach, to lay down basic principles but to pass enabling measures that

leave the way open for detailed subordinate legislation, is very sound.

Like other Members, I want to refer specifically to clause 6 and the vexed issue of tail docking other than for medical reasons or for working dogs. That certainly caused much debate and lobbying, but in my opinion, the Assembly got it right. We managed to reflect public opinion and acknowledge the views of the various interests, such as the working dog fraternity, the veterinary profession and, perhaps to a lesser extent, those who show dogs and breed them for showing. I hope that the show dog fraternity realises that we have passed a good measure that does not have to mean the end for their passion. I know that Ian McCrea commented on what might happen in the Republic of Ireland. However, it looks to me as though the Government in the Republic of Ireland will probably come into line with the UK. They do not have to, but they seem to be moving that way. Veterinary Ireland has made no secret of its attitude to tail docking. So hopefully the Republic will come into line with the UK to reinstate a level playing field. However, regardless of whether or not that happens, clause 6 is a good clause that has widespread support and is pretty good for the welfare of dogs. I am pleased that I managed to speak to that clause without saying “cosmetic”.

As far as the rest of the Bill is concerned, I am pleased to see clauses on animal fighting; prohibition on keeping certain animals; and giving animals, presumably goldfish, as prizes to under-16s unless there is parental consent. That is a small matter, but it could be important in some cases. The provision on powers of entry in relation to animals in distress is overdue and certainly welcome. I also welcome the prospect of various powers being transferred to councils, subject to proper financial arrangements being put in place. Responsibility for the welfare of non-farm animals and for licensing pet shops, riding schools, and so on, should fit in well with councils' existing responsibilities and roles. I hope that those provisions can be implemented with the proper safeguards and in the timescale suggested in the Bill so that councils can afford to take on the responsibilities provided for. I commend the Minister, the Committee Chairperson and the Committee for all their work on the Bill. It is good legislation and is broadly welcomed.

Mr Savage: It may be appropriate to declare an interest as a member of Craigavon Borough Council and as a farmer. Animal welfare is a serious and important issue, especially for those in rural communities, and is a big responsibility for many people. As the custodians of the countryside, farmers and rural dwellers want animals to reach their full potential, and their number one priority is the safety and well-being of animals. The Bill supersedes the Welfare of Animals Act (Northern Ireland) 1972. It is encouraging that the Bill ensures animal welfare while allowing for detailed legislation through subordinate regulations and codes of practice.

At this stage, it would be remiss of me not to congratulate all those who had an input into making this excellent legislation. I pay tribute to the departmental officials for all the hard work that they have done: I assure Members that they have had a lot to listen to over the past months. I thank my colleagues on the Committee for Agriculture and Rural Development and the consultees who have had a big say in bringing about this legislation.

The legislation brings Northern Ireland into the twenty-first century. This is an issue about which we can proudly hold our heads high and say that the Assembly has done something good for the well-being of animals in Northern Ireland and across the world. From the sparrow to the biggest bird, the legislation will protect them all. I am pleased that the Bill has come before the House. I fully support it, the Minister, her Department and the Chairman of the Committee for Agriculture and Rural Development, who have all had a lot to listen to over the past while. The Bill has made it to this stage, and I have great pleasure in supporting it.

The Minister of Agriculture and Rural

Development (Ms Gildernew): Go raibh míle maith agat, a LeasCheann Comhairle. I thank Members for their contributions to the debate today and to the debates at earlier stages.

I will give a nod to the most contentious issue in the Bill, which is the docking of dogs' tails. I remind Members that the key aim of the Bill is to stop animals suffering unnecessary pain and distress and to promote and enhance the welfare of all protected animals. Therefore, in a bid to prevent pups suffering unnecessarily, the Bill imposes a ban on the cosmetic docking of dogs' tails. An exemption to that ban has been

included for certified working dogs, which have an increased chance of injuring their tails while working.

During Further Consideration Stage, we had a good bit of discussion about dogs to be shown. A ban on showing dogs whose tails have been docked after the tail docking powers have been commenced has also been included in the Bill. That is very important and has been included for two reasons. First, show dogs are docked purely for appearance and not to improve the health or welfare of the dog. Secondly, we are trying to change the mindset of breeders and the show fraternity to recognise that showing a dog with a tail is normal. A number of Members made the argument that certain breeds of dog will not be bred if their tails are no longer to be docked for showing. However, I do not believe that that will be the case. A large number of breeders do not breed for the showing arena but purely to supply pets. They will continue to breed those dogs.

The Chairperson of the Committee for Agriculture and Rural Development outlined the Committee's concerns that enforcement work for non-farmed animals would pass to councils. I fully appreciate that many Members are also councillors. Therefore, I understand the desire for reassurance about the enforcement powers for non-farmed animals passing to councils. As I have advised the House before, I do not intend to place an unfunded burden on district councils and ratepayers; hence, I have guaranteed annual funding of £760,000 for this Budget period. As Members will know from our parallel work on the Dogs (Amendment) Bill, the additional income that councils will receive from increased dog licence fees and fixed penalty receipts is estimated to be between £1 million and £1.3 million. That additional funding must be spent on dog warden services. However, it will free up substantial resources within councils, which could be redirected to animal welfare. I remind Members that enforcement agencies, including councils, must enforce the legislation, but will be able to exercise discretion as to how best to prioritise their actions within the available resources. In the current financial climate, it is unrealistic to expect unlimited funding for animal welfare. We all have to accept that cases will have to be prioritised.

The Member for Fermanagh and South Tyrone mentioned dogfighting and putting an additional burden on councils. I assure the House that dogfighting is a criminal activity and that

enforcement powers around that activity are not to be confused with the work that councils are being asked to bring forward. Enforcement of dogfighting powers has been with the PSNI for some time and still rests with the PSNI. While developing the legislation, we developed a memorandum of understanding between the PSNI and councils to help on some of the issues that were of great concern to us during our work on the Dogs (Amendment) Bill.

The PSNI will take the lead on welfare issues involving organised animal fighting or where criminal activity is involved. The PSNI will also enforce powers in respect of wildlife and provide support for DARD and district council inspectors as necessary, for example, if there could be a possible breach of the peace. We are not abdicating all responsibility to district councils; there will still be a role for DARD around farmed animals, and for district councils and the PSNI.

I want to restate the guarantees I gave previously to the Committee for Agriculture and Rural Development and to the House. My Department will provide annual funding of £760,000 over the next Budget period to allow councils to implement the provisions in the Bill that refer to non-farmed animals. The powers in the Bill for councils to appoint inspectors will not be enacted until 12 months after Royal Assent is granted so that there can be full engagement with councils. Therefore, they will have time to prepare for implementation.

My officials will engage with councils during the lead-in period to provide advice and practical assistance to help their officials prepare for the new enforcement role in respect of non-farmed animals. In addition, as the Committee Chairman pointed out, I will meet members of the Committee for Agriculture and Rural Development and elected representatives of the rural affairs committee of NILGA to discuss future implementation on 1 March. My colleague said that we could almost be better at consultation. That is true, and we will work with NILGA during this period as well as with local government to ensure that everybody knows what is expected of them and what they are expected to do.

Licensing and registration functions will be passed to councils as new subordinate legislation is made. Again, councils will be fully consulted as part of the legislative process and fees will be set at an appropriate level to

recover full costs. I point out to Members that I am providing this funding to councils; I am not changing the role of the USPCA in any way. The USPCA is funded by public donations and currently investigates animal welfare complaints, no doubt in the knowledge that public funding will continue, but I believe it is important that councils are empowered and resourced to deal with local issues. They are the best people to do that given the nature of the work that they have done in providing an excellent dog warden service over decades. They are already responsible for dealing with dog control, and the new powers around animal welfare will enhance and strengthen the role of councils. I have no doubt that, over the next 12 months, councils will grasp this new challenge and be ready for implementation in April 2012.

A number of Members made comments, and one issue was raised by Willie Clarke on subordinate legislation for dog breeding establishments. That will be one of the first pieces of legislation taken forward after the Bill is enacted. I hope that consultation on that will take place later this year.

The rehabilitation of wild animals was also raised. A number of voluntary organisations deal with that issue; the powers in the Bill will not change that. I visited one such organisation on the edge of my constituency on Friday, which deals with animals from both sides of the border and will continue to do so. The PSNI will continue to deal with cruelty offences in respect of wild animals. However, we will obviously keep issues such as this under review.

Mr Ian McCrea asked, as did others, about how a market could develop for having tails docked in the South. The Department of Agriculture, Fisheries and Food, as part of its new proposed animal health and welfare legislation, has consulted on a proposal to ban mutilations in animals, including the docking of dogs' tails, which shows that the South of Ireland is already moving in the same direction as us. Showing dogs with docked tails has been banned in England and Wales, and the docking of all dogs' tails has been banned in Scotland.

To that end, I feel that the original position that we had would have made it easier for people to go ahead and enforce that power, but I know we will do all we can to ensure the enforcement of the ban, except on the small number of dogs that will be allowed to be docked. That

procedure will have conditions attached, and I hope that nobody will abuse the power that we have left for certain people to have working dogs' tails docked.

3.30 pm

I know that not every clause is exactly as every Member would wish, but I remind Members that this is a significant piece of legislation that will greatly enhance animal welfare in the North of Ireland. It will provide a duty of care to all protected animals, including domestic pets and horses, and will make it possible to act to prevent animals from suffering. I think that that is something that we all want to see. We are strengthening the powers in respect of dogfighting and we are providing powers to regulate a wide range of activities that involve animals. We are also increasing the penalties for serious animal welfare offences. The Bill substantially updates and strengthens the existing powers to deal with animal welfare issues. It will put us at the forefront in our protection of farmed and non-farmed animals.

In conclusion, I am confident that the Welfare of Animals Bill will improve the welfare of animals, particularly domestic pets and horses, over many years to come. The Bill clearly sets out the duty of care obligations for all those who are responsible for keeping any vertebrate animal and increases the penalties for those who commit serious welfare abuses. It will greatly improve animal welfare standards in the North of Ireland, and I am delighted to conclude its Final Stage. Go raibh míle maith agat.

Question put and agreed to.

Resolved:

That the Welfare of Animals Bill [NIA 28/09] do now pass.

Education Bill: Legislative Consent Motion

The Minister for Employment and Learning (Mr Kennedy): I beg to move

That this Assembly endorses the principle of the extension to Northern Ireland of provisions of the Education Bill dealing with the Office of Qualifications and Examinations Regulation and the abolition of the Young People's Learning Agency for England.

On 30 March 2009, a legislative consent motion was brought before the Assembly by my predecessor, Lord Empey of Shandon, for the inclusion of Northern Ireland provisions in the Apprenticeships, Skills, Children and Learning Bill. Those provisions were to ensure that the Office of Qualifications and Examinations Regulation, which is commonly known as Ofqual, could continue to regulate vocational qualifications in Northern Ireland when it was established in statute. On that date, the Assembly endorsed the legislative consent motion. Subsequent to that endorsement, the Bill received Royal Assent in November 2009 and, on 1 April 2010, Ofqual was established as the independent regulator of all qualifications in England and of all vocational qualifications in Northern Ireland.

Ofqual is a non-ministerial Government Department that is accountable to the Westminster Parliament. In relation to carrying out its functions in Northern Ireland, it is accountable to the Assembly. In December 2010, Michael Gove, the Secretary of State for Education, wrote to me of his intention to introduce an Education Bill to Parliament. There were three distinct areas in the Bill that was introduced in Westminster on 26 January 2011 that impacted on Northern Ireland: changes in Ofqual's governance structures, an additional qualification standards objective and the dissolution of the Young People's Learning Agency (YPLA) for England. Although that is an England-only body, it has power to deliver services in Northern Ireland. To make those changes, it is necessary to amend sections of the Apprenticeships, Skills, Children and Learning Act 2009, and I will deal with each of the three areas in turn.

At present, the chairperson of the board of Ofqual is referred to as the chief regulator and is responsible for all aspects of Ofqual's performance of its duties. The board, through

the chairperson, is accountable to the UK and Northern Ireland legislators for its activities in England and Northern Ireland respectively.

The Bill proposes to confer the title and role of chief regulator on the chief executive of Ofqual. That has the advantage of ensuring that there is absolute clarity concerning who is responsible for the activities of the regulator. Importantly, it also ensures that the person responsible for the day-to-day activities of Ofqual is publicly accountable for those activities. Ofqual's board will continue to exercise corporate governance responsibility in line with the operation of many other public bodies.

My Department recognises that those proposals are sensible and are made in light of the experience of Ofqual's first year in operation. In actuality, it is unlikely that much impact will be felt in Northern Ireland due to these changes. Ofqual's Northern Ireland engagement largely takes place through the operation of its Northern Ireland office and through the newly established Northern Ireland committee.

Secondly, Ofqual's activities are guided by a series of objectives, one of which is the qualifications standards objective, which places a duty on Ofqual to ensure that qualifications are appropriately rigorous and challenging, and are consistently so, over time. The current proposals extend that existing objective to include a duty to ensure that qualifications are also appropriately challenging in relation to qualifications outside the United Kingdom.

With the emergence of the European qualifications framework (EQF) and the ever-increasing globalisation of skills and labour, the proposed change will ensure that vocational qualifications in Northern Ireland continue to be as rigorous and challenging as employers demand. The change will also assist labour flows across borders, including with the Republic of Ireland, by ensuring that qualifications are comparable and valuable to employers and learners alike.

The third issue to deal with is the dissolution of the Young People's Learning Agency. The Apprenticeships, Skills, Children and Learning Act 2009 established two organisations to take over the responsibilities of the Learning and Skills Council (LSC), which the Act dissolved. The two new organisations were the Skills Funding Agency (SFA) and the YPLA. Those English bodies carried over the existing powers

and duties from the LSC, including a power to make services available in other parts of the United Kingdom with the consent of the Secretary of State for Education and the relevant Minister of the devolved Administration.

Qualifications and Examinations Regulation and the abolition of the Young People's Learning Agency for England.

The Bill proposes to dissolve the YPLA and, because of its powers to operate in Northern Ireland, our consent is required. The YPLA has never exercised its powers in Northern Ireland and my Department had no intention of using that option. Therefore, that aspect of the Bill, as it affects Northern Ireland, is entirely administrative.

As was the case with the previous legislative consent motion to which I referred, the changes being introduced now do not in any way preclude further consideration of the regulation of vocational and general academic qualifications through a single regulator in Northern Ireland. It is still the intention of my Department and the Department of Education to conduct a review of qualification regulation arrangements in Northern Ireland in the latter part of 2011.

In conclusion, my view is that the proposed changes to Ofqual's governance and objectives are sensible. They will strengthen and enhance the regulation of vocational qualifications in Northern Ireland. I trust that Members will agree with me and support the motion. *[Interruption.]*

Mr Deputy Speaker: Order. There should be only one Member on his or her feet at any time.

The Chairperson of the Committee for Employment and Learning (Mrs D Kelly): The Committee considered the legislative consent motion on the Education Bill at its meeting on 12 January 2011 and has no objections to it.

The Minister for Employment and Learning: I thank the Chairperson of the Employment and Learning Committee, Mrs Kelly, for confirming the view of her Committee. Indeed, I thank the Committee for its consideration. I trust that I have set out in a comprehensive manner the background to the measure, which I now commend to the House.

Question put and agreed to.

Resolved:

That this Assembly endorses the principle of the extension to Northern Ireland of provisions of the Education Bill dealing with the Office of

Justice Bill: Consideration Stage

Mr Deputy Speaker: I call the Minister of Justice, Mr David Ford, to move the Consideration Stage of the Justice Bill.

Moved. — [The Minister of Justice (Mr Ford).]

Mr Deputy Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the Speaker's provisional grouping of amendments selected list.

There are six groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 7, which deal with victims and witnesses and live links, together with opposition to clause 5. The second debate will be on amendment Nos 8 and 9 and 47 to 60, which deal with policing and community safety partnerships (PCSPs), together with opposition to clause 34. The third debate will be on amendment Nos 10 to 26 and 61 and 62, which deal with sports, together with opposition to clauses 41 to 43 and 45.

The fourth debate will be on amendment Nos 27 and 28, which deal with treatment of offenders and alternatives to prosecution. The fifth debate will be on amendment Nos 29 to 32 and 64 and 65, which deal with legal aid and solicitor advocates. The sixth debate will be on amendment Nos 33 to 46 and 63, which are miscellaneous amendments under Part 8 of the Bill.

Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

Clause 1 (Offender levy imposed by court)

Mr Deputy Speaker: We now come to the first group of amendments for debate, which deals with victims and witnesses and live links. With amendment No 1, it will be convenient to debate amendment Nos 2 to 7 and opposition to clause 5.

Mr McCartney: I beg to move amendment No 1: In page 2, line 3, after “(‘the offender levy’)” insert

“or by agreement of the court, impose a community service order (within the meaning given by Article 13 of the Criminal Justice (Northern Ireland) Order 1996 (NI 24)”.

The following amendments stood on the Marshalled List:

No 2: In page 2, line 17, after “(nil)” insert

“and, impose a community service order (within the meaning given by Article 13 of the Criminal Justice (Northern Ireland) Order 1996 (NI 24))”. — [Mr McCartney.]

No 3: In clause 3, page 3, line 24, at end insert

“(4) The governor of a prison or young offenders centre, or a person authorised by the governor, may make provision for a community service order to be carried out within the prison setting for the purpose of discharging a community service order.” — [Mr McCartney.]

No 4: In clause 4, page 3, line 28, after “offender levy” insert

“or non-adherence of any community service order”. — [Mr McCartney.]

No 5: After clause 6, insert the following new clause:

“Community Order Sentences

6A.—(1) Notwithstanding the provisions of Article 13 of the Criminal Justice (Northern Ireland) Order 1996, the community service order sentence for the purposes of section 1 is—

(a) 10 hours of community service, where the sentence imposed on the offender is or includes—

(i) a determinate sentence of imprisonment or detention for more than 2 years (not being a suspended sentence); or

(ii) an indeterminate sentence of imprisonment or detention;

(b) 5 hours community service, where that sentence—

(i) is or includes a determinate sentence of imprisonment or detention for 2 years or less (not being a suspended sentence); and

(ii) does not include a sentence falling within paragraph (a);

(c) 4 hours community service, where that sentence—

(i) is or includes a community order or a suspended sentence of imprisonment or detention; and

(ii) does not include a sentence falling within paragraph (a) or (b);

(d) 3 hours community service, where that sentence—

(i) is or includes a fine; and

(ii) does not include a sentence falling within paragraph (a), (b) or (c).

(2) The Department may by order amend subsection (1).

(3) No order shall be made under subsection (2) unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.” — [Mr McCartney.]

No 6: In clause 16, page 11, line 25, at end insert

“with the agreement of the appellant.” — [Mr McCartney.]

No 7: In clause 16, page 12, line 5, at end insert

“(8A) If the court proceeds with the hearing under subsection (8) it shall not remand the appellant in custody for a period exceeding 8 days commencing on the day following that on which it remands him.” — [The Minister of Justice (Mr Ford).]

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. The Justice Bill has been a very important piece of work. Indeed, in many ways, it is a practical and tangible sign that the new Justice Department is now working with full democratic scrutiny. Just over 12 months ago, many people were predicting that that was not possible and that the Assembly could not handle the Justice Department. However, the working of the Committee, particularly its work on the Bill, has proved the opposite. Some people predicted that, if the institutions did not fall, perhaps the heavens might fall. However, the contrary has been the case.

As I say, the Bill has dominated much of the work of the Committee, particularly since October. I think that 16 Committee meetings were held, and we had an event in the Long Gallery that focused on the community safety partnerships (CSPs) and the amalgamation of the district policing partnerships (DPPs). We had detailed evidence sessions, and many stakeholders made excellent presentations, some of which were written. Indeed, throughout the scrutiny, we had presentations from departmental officials, during which there were good exchanges.

There was a robust examination of the Bill, clause by clause and line by line, and, hopefully, the officials will have seen that our questions were valid and necessary. Indeed, we ensured that, as a result of the clause-by-clause scrutiny, we are presenting the Bill in a strengthened and better way and in a way that will service better the people who we all represent.

3.45 pm

We thank the departmental officials for the way that they assisted us throughout the process. They attended a number of meetings, and they were there on practically a minute-by-minute call to illuminate us and to help us to help us to understand the rationale behind some of the clauses and the Bill in general. I commend the Committee staff, who, throughout the process, were under extreme pressure to deliver papers. All of the Committee members would say that they did an excellent job, and both they and the officials showed great patience with Committee members. I hope that the place in which we find ourselves today will assist the Minister and the Department in ensuring that, as the Bill goes forward, it will be in the strongest position possible.

The amendments that we have tabled deal with, in the main, the offender levy. Throughout the discussions at the Committee, we stated that we agree in principle with the levy. The levy is an acknowledgement and an acceptance by a person who has been convicted of a crime or an offence that they have caused injury or pain to a victim. We agree with that wholly.

We heard particularly from people who work in the victims' sector and with victim support groups that, very often, victims feel excluded from the justice process. They feel that, once they give their witness statement to the PSNI and are called to court, they have no other role and are nearly excluded from the process. The introduction of the offender levy will, in some way, bring victims into the process. We feel that the idea of a levy, although not a panacea, goes some way to addressing those concerns.

The idea of our amendment is to have a choice for people who are convicted between paying the levy and doing community service. That, in itself, nearly forces the person who has been convicted into a process of understanding what the levy is and what the community order is. Whatever choice they make, the choice will be part of the reparation for the offence that they

have committed and part of the restorative process. The Department calculated that around £250,000 will be collected from the levy per annum. We do not want to undermine the amount that will be collected by introducing the option of community service, but that option will strengthen the sense in a person that he or she has committed an offence.

We also believe that the combination of the reparation and the restorative aspect will serve victims better, and whatever deficit results from someone opting for a community order will not undermine the levy. Indeed, given the small amount that will be collected, the Department could come up with the shortfall. We have tabled the amendments because, if there were only a levy, with no option for a community service order or for allowing the person who had been convicted to be part of the discussion, the person might see it simply as a fine. Someone who was given a mandatory fine of £100 and a levy of £15 might see it as a fine of £115 and not necessarily enter into the spirit of the levy.

We believe centrally that the spirit of this aspect of the legislation is that the person who has committed the offence should address the fact that they have caused pain and hurt. The process of community service will put the person into that place. Many people might argue, perhaps correctly, that a person would opt to pay the levy rather than do the community service order. That is fine, but at least that will be part of a discussion. It will be explained to them why they have to pay a levy or do community service. When they make the choice, they will do so on balance and as part of ensuring that the victim feels part of the process. Therefore, we feel that this is a stronger way of doing it.

Officials said that the servicing and cost of community orders may be prohibitive; and, in many ways, may undermine what is being done by increasing the costs. We feel that the community order, as currently constituted, involves a minimum of 40 hours. However, those hours will be well reduced. We see each community order as being a one-off session, not a continuation. Therefore, it will be easier to monitor and process. Whatever the cost, we feel that it would be better to do that, and we have outlined that in the amendment. Amendment No 5 will outline the provisions of the community order.

As regards clause 5, I am not going to make the argument today that there is no such thing as a victimless crime, but there is an onus on us all to ensure that when a crime is committed, we can point to the victims. Therefore, we oppose clause 5, which relates to road traffic offences, on the basis that it is difficult to say, for example, who the victim is in respect of a speeding or similar type of offence. That is not to undermine the concept of a levy or in any way to excuse speeding or careless driving, but we want to ensure that people do not see the levy as another revenue mechanism. That is why we will be opposing clause 5.

Amendment No 7 deals with vulnerable witnesses. We support all clauses that deal with vulnerable witnesses. We feel that those add to the protection of witnesses and how evidence is gathered and conveyed through the court process. However, there is the aspect of the appellant's right, which is why we tabled amendment No 7. It is written in the clause that a court can proceed if there is no practical reason why a person should appear in front of it. We feel that that will be strengthened by saying that it should be done with the consent of the appellant. That is our detailed outline of the amendments.

The Chairperson of the Committee for Justice (Lord Morrow): Before addressing the amendments in group 1, with your indulgence, Mr Deputy Speaker, I wish to make a few general remarks in my capacity as Chairperson of the Committee for Justice. As the House is aware, the Committee extended the Committee Stage of the Bill to enable it to undertake detailed and careful scrutiny of an extensive and wide-ranging Bill, which consists of 108 clauses and seven schedules and covers a diverse range of policy areas, including sports provision, policing and community safety partnerships, new services for victims and witnesses, new alternatives to prosecutions and change to legal aid legislation.

I place on record my thanks to the members of the Committee for Justice for their contributions to the consideration of the Bill and Committee report. The detail in the report demonstrates that the Committee considered all aspects of the Bill in as full and thorough manner as the timescale allowed. I also thank the witnesses who provided such useful written and oral submissions and the departmental officials who were always at hand to provide a

prompt response to the many questions and discussions throughout the process.

Finally, I thank the Committee Clerk and her team who facilitated our formal evidence taking, the clause-by-clause scrutiny and the production of our extensive Bill report. I want to place on record my thanks and appreciation to the Committee staff who showed total and unqualified commitment. They had to deal with a very heavy workload and showed great resilience and dedication. They had to do so over a short period of time because we were given the Bill at a very late stage.

I wish to make a few general remarks about the Bill. The Committee welcomed the introduction of the Justice Bill and supported its principles at Second Stage. Having considered the detail of the Bill during the Committee Stage, the Committee is content with the majority of the clauses in the Bill.

However, there are a number of provisions that the Committee wishes to be amended or removed from the Bill entirely. Many of those amendments have been agreed with the Minister of Justice, and, indeed, he will move them today, which the Committee welcomes. However, several important areas of disagreement between the Committee and the Minister relate to clauses on sport and clauses on policing and community safety partnerships. I will explain those disagreements and provide more detail during the debate.

I turn to the first group of amendments. The Committee supports Parts 1 and 2 of the Bill. They will provide for improvements to the special measures provision, which will assist victims and witnesses in the criminal justice system. They will also provide for the introduction of a financial levy to be imposed by the court on conviction or attached to any voluntarily accepted non-court imposed penalty. This is to be known as an “offender levy”.

Amendment Nos 1 to 5 relate to the provision of an option to complete some community service work instead of payment of the offender levy. The Committee discussed such a proposal, which aims to strengthen the reparation element of the offender levy. The point was made by the Committee that the offender levy, as currently presented in the Bill, may not have the proper focus on reparation, and if the aim of introducing the offender levy is to get people to recognise that they have done something

wrong, the clause needs to be strengthened in that way. There is the possibility that, as the provision currently stands, people would simply see the levy as an addition to a fine, and it would not help in the process of offenders accepting that what they had done was wrong. The Committee also considered a number of concerns and issues about the proposal. They included a concern about the practicality of the proposal given the small amount of money that the levy involved and the likelihood that it would increase the cost of administration; an issue that had already been highlighted in relation to the operation of the levy itself.

In evidence on another Part of the Bill, departmental officials indicated that it might be very expensive to introduce community service options. They cited the example of the cost of supervised activity orders, when a probation officer is involved in setting up the opportunity, making sure that arrangements are made and checking that the person has turned up and completed his or her allotted number of hours, as around £1,000 per case. The fact that the proposal would also reduce the money generated to support victims and the likelihood of it complicating court proceedings were also raised, together with how it would be applied to someone sentenced to imprisonment and how the victim could be part of the process. Taking account of the likely cost and practicalities involved in offering an option of completing community service work, the Committee decided that it could not support the proposal. The Committee is, therefore, content with the clauses as they stand and does not support amendment Nos 1 to 5. It does not oppose that clause 5 stand part of the Bill.

The Committee considered amendment No 6, which deals with a requirement for the appellant to agree to the use of live links at preliminary hearings for appeals to the County Court. The requirement was advocated by the Human Rights Commission in its evidence to the Committee. When the issue was raised with the Department, it clarified that the provision for the use of live links at preliminary hearings on appeal to the County Court under clause 16 relates to preliminary hearings for appeals to the County Court and not to the appeal hearing itself, at which a person has a right to appear. The Department explained that a preliminary hearing could be on a straightforward issue that had to be dealt with in advance of the trial and could, feasibly, last a matter of minutes.

The provision sits with other provisions on preliminary hearings at which the appellant and defendant have the right to make representation by live link hearing, but the decision on its uses rests with the court. The Committee agreed that it was content with clause 16 as it stands and does not support the amendment.

Amendment No 7 was brought to the Committee by the Department during Committee Stage and sets out what will happen if the live link breaks down.

It replicates what is provided for in parallel live link legislation for preliminary hearings, so that there is a limit on the length of time that a person can be remanded for before the matter is brought back before the court.

4.00 pm

The Committee agrees with the Department that amendment No 7 is valuable in achieving consistency with other live links legislation and in providing a guarantee to appellants in ensuring that any rearranged hearing is held promptly. The Committee is, therefore, content to support amendment No 7.

Finally, I will mention one issue in relation to clause 14. The Committee considered whether there should be a statutory requirement for a trained mental health advocate to be present during live links involving mentally disordered offenders. When questioned on that, the Department indicated that to put a requirement for an advocate into the Bill could create a statutory duty for advocates in all live link proceedings. The Department outlined that arrangements will be in place for assistance to be provided at a live link for patients detained in hospital. That will include the patient's nurse and the Shannon Clinic's advocacy service.

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

The patient's personal consultant psychiatrist will also be on site. That is an enhancement, as, typically, RMOs do not accompany a patient to court. The Department gave the Committee an undertaking that it would ensure that a letter of guidance is issued to RMOs regarding support during live links involving mentally disordered offenders and that it will monitor the impact of clause 14 as it is rolled out. The Committee is content, subject to the commitments given by the Department, which I want to place on the record here today.

Mr B McCrea: There is obviously considerable work to get through on the Bill. I noted Lord Morrow's assertion that the Committee did as good and as thorough a job as possible in the time available and that the consultation period had been extended. Nevertheless, we have concerns about some issues in the Bill.

The first group of amendments deals with victims and witnesses and live links. Having considered the matters put forward and listened to the arguments made by Members on Benches opposite, my party is not convinced about the need for amendment Nos 1, 2, 3 and 4, nor for opposition to clause 5. Due to the relatively short timescale for community service orders, we do not think that they provide sufficient deterrence or sufficient rebalancing in their effect. In fact, we think that the whole issue is to detract from the proposed levy.

I listened to what Lord Morrow had to say about the Committee's deliberations on that, but we are not sure that we have got the correct balance on where those levies will play their part. It seems that, if people view them as being merely an additional part of the fine, they are not as useful as they might be. There is, therefore, deliberation to be had on that issue, and we look forward to the Minister's presentation on that. We are unhappy with the generality of the levy and, in particular, unfortunately, with Sinn Féin's attempt to address the shortcomings.

There is an issue in respect of whether the applicant's approval for the use of live links is required. We may have looked at that in a different way from others, and I was not sure that I followed exactly the argument that Lord Morrow was putting on this, but, as a general principle, we think that a live link should be used without the appellant's acceptance, if the court directs that one should be used.

Mr O'Dowd: One of the reasons why the amendment is before the House is that one of the bodies that raised concerns about the matter was the Human Rights Commission. The commission said that it was important, particularly in cases using live links, that the appellant is given the right to appear before the court. That is not explicit in the legislation. We had some toing and froing with departmental officials on that matter, but we remain unsatisfied with their explanation, as does the Human Rights Commission. We did not just

pluck the issue out of the air; it is a concern of that body.

Mr B McCrea: I am grateful for the Member's clarification on that. He will have noted that, in my introduction, I said that the arguments we come across are somewhat complicated. I am interested in what the arguments and the counter-arguments are. The Member will know that I have some interest in human rights and how we deal with such matters. As with all rights-based issues, sometimes there are specific concerns that have to be addressed, but there can also be a position of competing rights.

In the issue that we were looking at, the question is why live links would be used. If they are used in a particular case involving, for example, domestic violence or other issues and if they are used for the protection of others, we cannot know what is in the mind of the judge or the court that makes the direction to use live links. On that basis, where the issues are properly considered by someone who is competent to do so, we would expect the judgement of the court to take precedence in the matter. As with all such issues, it may well be that, if the competent person makes the wrong decision, that will be open to judicial review and other legal remedies. Although we accept that there is some discussion around that, as matters stand at the moment, we believe that the courts are competent to make their own decisions on what is right and proper, given that the probable reason for using live links is to ensure that victims, particularly vulnerable victims, are protected and supported.

I turn to amendment No 7, which proposes that an appellant cannot be held on remand for more than eight days. We think that there is some merit in the view that things should be time-bound and that it is not appropriate to give people carte blanche to move on to all those issues without a review.

Our general position is that we are concerned that the Bill is meaty legislation that needs a lot of consideration, and we have not had time to explore fully all the ramifications of it. Nevertheless, given the time available and the work that has been done by the Committee, we are content with the major elements of the Bill and will support those, subject to the comments I have made already. It is, of course, the right of other Members present to make an argument that explains a different point of view. All we are

doing at this stage is giving notice about where we have concerns, and we are interested to hear what other Members have to say.

Mr McDevitt: Like Committee members who spoke previously, I want to place on the record our thanks to the officials from the Department of Justice, the Minister and our own Committee Staff for the work that they have invested in making it possible for us to have a debate at Consideration Stage on the first piece of justice legislation debated in the House in over a generation.

I think that I described this legislation as a bit of a gumbo at Second Stage. It has something for everyone. There was a bit of rummaging around at the back of the cupboard to find stuff that needs to be made law before it goes out of date. That said, I think it has served the Committee very well in being able to come to terms with its ability to scrutinise justice legislation and being able to better understand the competing demands, tensions, rights and needs that must be balanced in legislation that deals with matters in the criminal justice system.

Dr Farry: Will the Member consider that he will discover, when he takes over from Alasdair McDonnell as the MP for South Belfast in the future, that justice Bills —

Mr Deputy Speaker: I ask Members to stick to the point, which is the Justice Bill.

Dr Farry: You have not heard the point yet. It is routine for justice Bills to be miscellaneous, and virtually every criminal justice Bill that has gone through at Westminster in the past 20 years was of a miscellaneous nature.

Mr McDevitt: This would undoubtedly be a lesser place without Dr Farry's insightful and erudite contributions to all matters of debate, be they legislative or not.

I want to turn my attention to the first group of amendments. I have sympathy for the amendments tabled by colleagues in Sinn Féin but do not agree with us proceeding with them at this time. The SDLP supports the principle of an offender levy, and we are happy to make law that will give it effect. In doing so, we acknowledge that it will be a mechanism available to the criminal justice system as a short and sharp way to address minor misdemeanours.

The point in my mind and, I think, in the party's mind is to give effect to something that will have that short, sharp effect and will be clearly explained to be a separate levy — we would require it to be explained as such — when being administered. However, it also provides a new opportunity to raise funds for victims. The point of the levy is to use the money that it raises to support victims' services. That is important and welcome. If we were to allow individuals facing an offender levy the opportunity of community service, we would not provide the opportunity for funds to be raised for victims. I am not sold on that idea. It is much better that we legislate for this to be what it is: a sharp fine that gives individuals receiving it an opportunity to reflect on their actions and to remain without a record unless they choose to repeat their actions. It also provides the opportunity for victims' services to receive the financial support that they very much need, and we are able to send a positive signal from this House that that is what this legislation is about.

I have a further concern, which is about the cost of community service orders. It would be falling prey to the law of unintended consequences if we made legislation that, on the one hand, provided an opportunity to impose a fine and raise money for victims and, on the other, subjected the criminal justice system to an unforeseen cost, as I think the Committee Chairperson said, in administering new community service orders. It could end up costing more than it raises and none of the money would go to victims.

For those reasons, I am still not convinced of its merits. However, it would be helpful in the next couple of years to return to Mr McCartney's point — maybe the Minister could return to it — and to reflect on whether the levy was working as intended, consider the sort of money going to victims' services and see whether there would be a restorative or community service opportunity that could be explored at that point.

I support and the SDLP will support clause 5, because we simply do not believe that there is such a thing as victimless crime. All crime has a victim, whether direct or indirect. Crimes of the nature of those mentioned in clause 5, which relates to road traffic offences, have an impact on society. They cause victims. It would be a very unfortunate signal for us to send from this House during the first opportunity to enact justice legislation in a generation if we missed

that point. There is no question that the criminal justice system needs to get much better at understanding that every misdemeanour has an impact on society, and it is human beings who are directly or indirectly impacted by that misdemeanour. For that reason, we support clause 5 as it stands.

We support amendment No 7, which has been tabled by the Minister to tidy up some of the issues that were raised in Committee. We remain unconvinced that amendment No 6 would address the Human Rights Commission's concerns. The Human Rights Commission's issues are genuine and real, but I am not sure that amendment No 6 would address the issues. So for now we prefer to leave the Bill as it stands.

I appreciate the opportunity to make this contribution on the first group of amendments.

4.15 pm

Dr Farry: I also acknowledge the historic nature of the fact that we are having a detailed debate at Consideration Stage of a Justice Bill under devolution in Northern Ireland. I also put on record my party's acknowledgement of the work that was done by the Justice Committee and the support of its staff as well as the Bill team in the Department of Justice and the Minister — I almost forgot him.

We fully support amendment No 7, which is a sensible way forward and renders the Bill more in keeping with human rights considerations.

It is with regret that I feel that the Sinn Féin amendments are not viable for the way forward. They point to a slight misunderstanding of the concept of the offender levy. The offender levy is not designed to be an alternative to existing methods of disposal or penalising people for offences; it is designed as a supplement to existing penalties, whether they are imprisonment or fines. In that sense, introducing the notion of a community service order as an alternative to an offender levy is like mixing apples and oranges. The offender levy has to be seen as an add-on to existing measures, whereas a community service order should be seen as an alternative to imprisonment. My party is keen on community service orders and sees merit in them.

No doubt, we will have wider discussions in the Assembly over the way in which we deal

with offences and over the most effective way forward. However, introducing a replacement for the offender levy at this stage perhaps does not do justice to the notion of what the offender levy is about and undermines the notion of what community service orders are fundamentally about.

The point has already been made that replacing the offender levy with a community service order would be incredibly disproportionate from a financial perspective. If we end up with a situation in which the cost of administering something far outweighs the financial, economic or social benefit to society of the measure, we will have to ask ourselves whether it is the right way to go. That is the situation with the Sinn Féin amendments.

Ultimately, we also have to consider the fact that the offender levy is about trying to redirect more resources to the needs of victims. If we go down the line of a community service order, we will undermine the ability to build even a small fund to assist victims. It is important that we consider the interests of victims. Virtually every party in the Chamber has stated that we need to deal with that issue better under the devolution of policing and justice.

Lord Browne: I greatly welcome the opportunity to speak on the amendments in group 1. Having sat on the Committee for Justice throughout the period in which it considered the Bill, I welcome the provisions that will introduce the offender levy and improve the facilities available to vulnerable victims and witnesses in our courts. Those are certainly steps in the right direction. The enhancement of special measures provisions for the vulnerable will help to improve the process of justice and will ensure that the trial process is as fair and just as possible for all those involved.

On the related subject of live links, I was pleased that the Northern Ireland Human Rights Commission at least approved of clauses 11, 14 and 19. However, those who will enact the new regulations for live link evidence should take note of the advice given to the Committee by the Bar Council. It suggested that those special measures should be directed where they are needed and should not become the standard for court proceedings.

I welcome amendment No 7, which was tabled by the Minister, but I oppose amendment Nos 1 to 6. In Committee, the principle of reparation

was welcomed by victim support groups, the Probation Board and the Northern Ireland Association for the Care and Resettlement of Offenders. I think that a majority of people in the country would agree that a mechanism that channels money from offenders, albeit a small amount, and makes it available for use by victims' services is a good thing. Although there can be and are legitimate questions about how the levy is administered and operated, the general principle of offenders making a small payment, when they can afford to, that will directly help victims of crime is sound.

During the Committee's consideration of the offender levy, it received a submission from British Irish Rights Watch, which raised concerns that the levy may constitute a breach of United Nations and European rules in the case of those who are imprisoned and are also charged the levy. That organisation argued that that would, in effect, constitute a double punishment. However, I do not share that view for the same reason as I oppose amendment Nos 1 to 6, which I believe are flawed. The offender levy is not a punishment in the conventional sense, if it is a punishment at all. The value of the levy is that it creates a direct link between those who commit crime and the rehabilitation and support of the victims of crime. The small amount charged through the levy, even before the offender's ability to pay is taken into account, is not designed to deprive the offender of anything or to deter him from offending in the first place. That is what prison is for. Rather, the purpose of the levy is to help pick up the pieces after the crime has been committed and to reinforce the fact that offenders should be responsible, if only in part, for the care of victims of crime.

Amendment Nos 1 to 6 would place the levy on the same standing as a punishment. Community service orders are often used by courts as an alternative to short prison sentences. They are self-evidently a form of punishment and the opposite of what the offender levy is supposed to be. Therefore, using community service orders, as Sinn Féin suggested, in cases in which an offender cannot afford to pay the levy is simultaneously unconstructive and incompatible and is beside the point of the levy. One cannot be a substitute for the other. Some valid concerns may exist about the offender levy, but the lack of a punishment for those who cannot afford to pay is hardly one of those.

It would be worth considering the impact that amendment Nos 1 to 6 would have, particularly on what British Irish Rights Watch sees as the double punishment of offenders. Aside from suggesting that the levy is equivalent to an enforced punishment, the implication of amendment Nos 1 to 6 is that they would create a situation in which offenders were effectively serving imprisonment and community service at the same time.

We could have an interesting discussion on the merits of this and the value of community service orders, but I do not think that those two should be rammed together. Therefore, I oppose amendment Nos 1 to 6.

Mr Buchanan: As a member of the Committee, I thank the Committee staff and its Clerk for the huge amount of work that they did in the short time that we had. I support the Committee's position on the first group of amendments, and I will certainly be a lot briefer than Lord Browne.

I do not believe that there is an argument for amendment Nos 1 to 5. There is a real danger that the focus would be changed from offender levy to community service. The amendments would give offenders the choice either to pay a levy or to do some type of community service that is of no benefit to the victims. The offender levy was included in the Bill to make offenders aware that not only must they pay the price for the offence committed, whether by a fine or imprisonment, but they must pay a levy to help support the victims and the witnesses of the crime. We must remember that they are the vulnerable people in society who are so often forgotten. To move the focus to community service is to defeat the purpose of the offender levy and send out the wrong message to victims and the entire community.

If we want offenders to get the message that the crime that they committed was wrong and that, as a consequence, they must pay the price for that crime, we must hit them where it hurts. If they go to prison, their pride is hurt. If they pay a levy, their pocket is hurt. However, community service does not have much of an effect on them, and it places an extra cost on the Department. We must realise the reason for it, and we must realise that you have to be cruel to be kind. If someone commits an offence, they must pay the price. Therefore, I support the Committee's decision to oppose the amendments and support amendment No 7.

The Minister of Justice (Mr Ford): Mr Deputy Speaker, like others, before responding to the amendments that have been discussed so far, I crave your indulgence to take this, my first opportunity at Consideration Stage, to say a few words about the progress of the Bill to date and to thank the Committee for its assistance in getting such a detailed and complicated Bill to Consideration Stage in the relatively short time available. I thank the Chairperson, Lord Morrow, and the Deputy Chairperson, Raymond McCartney, for their support and commitment to seeing that this large Bill went through.

The Committee Stage has been challenging, though it has also been extremely helpful to me and my officials. It would be fair to say that we have had a reasonably good working relationship with the Committee throughout on nearly everything. We simply would not have achieved what we have achieved so far without significant hard work on both sides. Other Members have already said that a Bill with 108 clauses, 10 proposed new clauses at this stage and 55 other amendments is a complex Bill, and I am grateful to all those who have done the work to get there. At one point, I foolishly promised the Chairperson and the Deputy Chairperson that, if questions came from the Committee, the Department would get the answers back within the week. I made that promise secure in the knowledge that my officials would comply with the promise that I made, and I express my thanks to all those in the Department of Justice and in the Committee office who contributed to ensuring that procedures went smoothly.

4.30 pm

One Member said that the Bill came about as a result of rummaging around at the back of a cupboard. We have all acknowledged that this is the first Justice Bill in this place in a generation, and it is clear that there was a lot of catching up to do. There are other issues that we were unable to get into this Bill because of drafting issues or lack of time, and we still have a certain amount of catching up to do on them. However, this Bill is a significant step forward in providing a better justice system for all the people of Northern Ireland, and the Assembly as a whole should recognise that significant achievement.

Many of the amendments that stand in my name today — I suspect they will stand in my name tomorrow, too — came about as a result of the

Committee's deliberations. A number of new policy areas that have been brought into the Bill have gained the Committee's support, and there are perhaps only half a dozen matters that are still matters of dispute. That is significant, given the difficulties that were perceived 12 years ago, when it was assumed that this Assembly was not mature enough to handle justice issues. We can take a degree of pride in that respect.

We have had some fairly healthy and extensive debate on issues like sports law and policing and community safety partnerships, and no doubt we will continue to do so over the next couple of days and when we come back for further stages. However, I want to register my genuine thanks to the Department. The Department has had from 12 April 2010 to February of this year to get a Bill to this stage; that it has done so is an outstanding achievement.

I am looking forward to lively exchanges on the later groups of amendments in this Consideration Stage debate. As Lord Morrow has highlighted, the great majority of what has happened, and, indeed, the great majority of what we are considering in this group of amendments, involves matters that have been agreed.

Let me turn first to the issue of the offender levy and then to the live links. Mr McCartney, speaking on behalf of himself, Ms Ní Chuilín and Mr O'Dowd, proposed what is effectively a community service alternative to payment of the offender levy. I certainly understand the principle behind the amendments — that reparation can be made through community service in lieu of payment — but I do not believe that it is a viable option in the area that we are considering. There is absolutely no doubt that community service is a valuable tool in the criminal justice system, and we might well see an expansion of it in other areas as we look at the very positive results that have been achieved by, for example, the Probation Service. However, that is different to what is being considered under these amendments to the Bill.

The imposition of the offender levy is a recognition that all crime impacts on society. The revenue is to be used to fund a victims of crime fund that will provide additional support for groups and organisations that support victims and witnesses, both in the justice system and in the wider community. The

levy is separate to any other disposal for the offence, and it is to be used exclusively for a singularly reparative purpose. The amendments map the suggested alternative of community service in lieu of paying the levy onto the existing community service order. However, the community service order, as it currently stands, is a disposal available to the court for serious offending and for significant offences as an alternative to imprisonment. The legislation under which it operates can be imposed only where the offence for which it is given would be punishable by imprisonment. Before announcing the imposition of the levy, the court will already have determined the appropriate sentence for the offence committed, whether that is a fine, a community sentence or a custodial sentence. A key part of the offender levy is that it is not imposed for the offence but as a consequence of a relevant sentence being given. The levy could not, therefore, be substituted with a period of community service under the current community service order legislation.

Leaving aside the legislative issues, providing a community service option in lieu of payment of a modest offender levy would also be problematic on a number of fronts, some of which have already been highlighted by other Members. First, the cost would be extremely significant. Using comparators, we estimate that the cost of such a community service order could vary from £200 to £1,000 per case for the number of hours of community service proposed, compared to the levy enforcement costs, which are largely cost-neutral under the proposed arrangements. For orders of less than 40 hours, which, as Mr McCartney highlighted, is the standard minimum for a community service order, the administrative costs become an excessive proportion of the overall costs. That would raise significant concerns, given the situation that the Department's budget is in at the moment.

Providing a community service option would involve finding suitable work placements, risk-assessing participants to ensure their safety and well-being or that of others, monitoring attendance and responding to non-compliance issues.

The community service option would create a completely new area of work the probation service staff, who are not involved in managing fines and suspended custody sentences, and it would have to be resourced separately. I

believe that diverting probation service staff from dealing with their current priority areas to manage that process would not be the best use of one of the Department's most valuable resources.

Court-imposed fines are the most popular disposal that the courts use, and we estimate that more than 17,000 such fines will be subject to the levy each year. That gives some measure of the impact that the community service option could have on administration costs and on the revenue that is available to the fund, even if only a small percentage of disposals are dealt with in that alternative way.

The community service option would also place an additional administrative burden on the courts and would complicate proceedings, as the judge would be required to consider the individual's fitness to undertake unpaid work. There is the added difficulty of dealing with those who choose not to appear personally in court.

Of course, the offender levy is not just added to fines, and there will be inherent practical difficulties in delivering community service in a custodial setting. Those are the sorts of issues that would make that option practically difficult. On the other hand, however, prisoners who choose not to do any community service work would leave prison without making any contribution. Under our proposed arrangements, prisoners would contribute £1 a week to the victims of crime fund, with minimal administrative costs, throughout the time that they spend in custody.

There are legitimate concerns about affordability for some offenders, but the sum is relatively modest and is expected to be within most offenders' means. Arrangements are in place to assist those who may have difficulty paying. The court would have to consider the offender's means before applying any monetary order, and where it has been determined that the offender would have real difficulty, the court would have the ability to reduce the levy or fine where necessary. The court would also have a number of options to assist payment, including a time extension and payment by instalment. Offenders who receive a fixed penalty as an alternative to prosecution also have the opportunity to pursue the matter through the courts if they wish.

Although I believe that community service has a significant and, perhaps, growing role to play in delivering payback to the community while

not contributing directly to the delivery of victim services, it is not appropriate in this area. We have to ask ourselves about the benefits that it offers to the victim in those circumstances. I believe that the provisions already meet the reparative intention behind the amendment without incurring the significant additional costs that would arise if we were to deliver a community service mechanism. The provisions deliver the spirit of the levy, which is about ensuring that offenders take some responsibility for the harm that their actions caused.

Mr McCartney talked about an extra fine. However, let us be absolutely clear: in both the judgement delivered from the bench and the follow-up letters from the court, the offender levy would be specified clearly as a separate item, and the difference between the fine and the offender levy would be absolutely clear to the offender. Therefore, I do not support amendment Nos 1 to 5. However, I believe that it is essential that we keep the issue under review, and I am quite prepared to say that the Department will continue to examine the operation of the system as we move forward.

Clause 5 deals with fixed penalties for motoring offences, and I believe that Mr McCartney's opposition to the clause is wrong. I listened carefully to the views that were expressed on clause 5, and, although questions can be asked about who the victim is in such circumstances, the reality is that there is no such thing as an entirely victimless crime. Someone who commits a motoring offence may get away with it on a particular occasion, but other similar offences may have direct and obvious victims. Traffic fixed penalties are issued for infringement of the criminal law, and the levy will be used to support the needs of all victims who are impacted by crime. We are not advocating that the levy be attached to all road traffic offences; we suggest that it be attached only to the more serious offences that result in an individual's driving licence being endorsed with penalty points.

Road traffic offences in particular impact on all other road users, including pedestrians. Offences such as speeding have a real potential to cause death or serious injury. Excessive speeding has been identified as a real cause of accidents, and the fact that a particular offence did not result in more serious consequences on one occasion does not mean that such actions, if repeated, would not have a serious effect. The

imposition of the levy would make offenders think about the consequences of their actions and of the harm that those actions could do to victims and to society as a whole. Therefore, removing clause 5 would also impact on the application of the levy to other fixed penalty schemes that exist and those that would be created under Part 6 of the Bill, which I will discuss later.

The new fixed penalty provisions in Part 6 deal with issues such as disorderly behaviour, criminal damage and retail theft, all of which are offences that have a direct impact on victims. That is why I believe that it is essential that clause 5 should stand part of the Bill.

I will move on to the two amendments that deal with live links, one of which was tabled by me, and the other tabled and outlined by Mr McCartney. The effect of Mr McCartney's amendment No 6 would be to require the court to seek the agreement of the appellants to a live link in a County Court preliminary hearing before such a live link could be used. I oppose that amendment, as, I believe, do most other Members, given what has been said. The live link that we are talking about is for preliminary hearings — short, case-management type hearings at which no final decisions are taken. Where substantive court decisions are being taken, for example, in a sentencing hearing, consent will be required, given the nature of the hearing and the decision to be taken. There will be no change in that.

To require consent for preliminary hearings, however, of maybe only a minute or two's duration — there can be upwards of 20,000 of those in any year — would set a precedent and could have a knock-on effect with potential consequences for court business as a whole. I assure Members that, in preliminary hearing cases, defendants already get the opportunity to make representations. That is included in statute and is consistent with other live link legislation relating to preliminary hearings. As I understand it, it works well. Therefore, I oppose amendment No 6.

Amendment No 7, tabled in my name, relates to the Bill's provisions to enhance live link facilities in court. The amendment provides for situations in which a live link breaks down, and, on an appeal, to ensure that, as is the case in other live link contexts, the remand period must be limited to eight days; it cannot be the normal

28 days. The amendment is not about any change in policy; rather, it corrects an oversight and ensures consistency in live link legislation in different cases. The amendment has the Committee's support.

I wish to refer briefly to Lord Morrow's point about clause 14 and his welcome for the proposals contained in it. The way in which defendants who have mental-health issues give evidence by live link is a significant issue that needs to be addressed. It is certainly the case that such patients will receive support wherever they are being detained, most often in Shannon Clinic. They receive their support from a variety of professionals in multidisciplinary teams, not just from the responsible medical officer (RMO) but from other key workers such as nurses, counsellors and social workers. That is the option that exists, and I believe that those arrangements are adequately in place to provide for the proper support to the patient on the site as they carry out their duties in giving evidence and taking part through the live link process. Lord Morrow read the Department's guarantee into the record, and I am quite happy to repeat that I will ensure that a letter of guidance is issued to all the RMOs in light of clause 14.

That concludes my comments on this group of amendments.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. I will make a number of observations. The points that I outlined initially are on the record.

First, I want to make it very clear that we are in favour of the levy and that we support the idea of a victims' fund. In the Department's outline of the offender levy in the explanatory and financial memorandum to the Bill, it states that the idea of a levy is:

"to make offenders more accountable for the harm they cause"

and to:

"increase ... satisfaction with the criminal justice system".

Therefore, in our view, the way to do that, and to guarantee or underwrite it, is through the community service order. A person who ends up paying an offender levy of £5 for a fine may not even understand that he or she is being made more accountable, nor will that, in my opinion, provide victims with some sort of satisfaction

that, all of a sudden, the criminal justice system is delivering for them.

It is not a case of trying to replace one with the other. It is about giving people a choice. It forces offenders into a position in which they are asked, at the end of the court proceedings, what they want to do. We could all speculate whether a person would rather pay £5 or do three or four hours' community service, but, at its core, they are being forced into a position in which they are being seen to be more accountable for the harm that they have caused. Furthermore, victims will feel that it is not an add-on. In all fairness, if a person who is caught speeding by a speed camera ends up paying £65, that person will not say that £60 was for the speeding offence and £5 was levied because they had done some harm.

In my opinion, it would just be seen as a £65 fine. I disagree with the road traffic measure in principle. Most people will see the levy as an add-on to a fine rather than as a serious attempt to redress some harm that they have caused.

4.45 pm

Similarly, a community service order, or some equivalent, for someone who goes to prison, under which a prison governor can lay out a programme of work as part of the reparation or restoration, is something that we can do. We remain of the view that, if we are serious about making people more accountable and giving victims a better sense that the criminal justice system is delivering for them, the levy can be strengthened by the community service order.

I do not want to question costs. However, it is interesting that, one minute, we were told that the cost would be £1,000 per case but today we are told that the cost may be as low as £200. I do not think that the wider community service orders would cost £200 in circumstances in which someone will do four hours, decreasing to one hour, on the outside.

It is inappropriate to say that someone who has been caught speeding has committed a crime when it is not legislated for as a crime. I do not think that we should speak about road traffic offences as crimes. There is an onus on us to point out to people the harm that they have caused. In some road traffic offences, the court may decide that there are victims. There might be a case to be made in such an instance.

However, where there is not a clear victim, people may view the levy simply as a means of collecting revenue. That may be laudable, but, if we are trying to tell victims that we are serious about addressing their issues, the levy should not be seen just as a way of giving them money. Unlike road traffic offences, other offences are obvious, cause harm and pain and create a victim. Many victims and victims' support groups will just see the levy as a way of collecting money.

The deficit could be made up, no matter how tight budgets might be. Officials told us that the amount raised by the levy is £250,000 per annum, which is not exactly a massive amount of money. Some people may opt out of it and go for community service, which will serve the greater need, make offenders more accountable, make them understand that they have caused harm and give victims a better sense that the criminal justice system is delivering for them. Even if everyone did that and the Department had to pay the whole £250,000 cost, we would be better served.

We heard evidence from the Human Rights Commission that it had concerns over live links and the consent of the appellant. We cannot understand why anyone would not want to seek the consent of an appellant, particularly when the Human Rights Commission has expressed reservations. It is not exactly a big burden to ask people whether they are comfortable with the idea of not appearing. Given the Human Rights Commission's reservations, we cannot understand the opposition to amendment No 6.

Question put, That amendment No 1 be made.

The Assembly divided: Ayes 22; Noes 66.

AYES

Ms M Anderson, Mr Boylan, Mr Brady, Mr Butler, Mr W Clarke, Mr Doherty, Ms Gildernew, Mr G Kelly, Mr A Maskey, Mr P Maskey, Mr F McCann, Mr McCartney, Mr McElduff, Mrs McGill, Mr M McGuinness, Mr McLaughlin, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Ms S Ramsey, Mr Sheehan.

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

NOES

Mr S Anderson, Mr Armstrong, Mr Attwood, Mr Beggs, Mr Bell, Mr D Bradley, Mrs M Bradley, Mr Bresland, Lord Browne, Mr Buchanan, Mr Burns,

Mr Callaghan, Mr Campbell, Mr T Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Craig, Mr Cree, Mr Dallat, Mr Easton, Mr Elliott, Lord Empey, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gallagher, Mr Gibson, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr A Maginness, Mr McCallister, Mr McCarthy, Mr B McCrea, Mr I McCrea, Mr McDevitt, Dr McDonnell, Mr McFarland, Mr McGlone, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Neeson, Mr O'Loan, Mr Poots, Mr P Ramsey, Ms Ritchie, Mr G Robinson, Mr K Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr B Wilson, Mr S Wilson.

Tellers for the Noes: Ms Lo and Mr McCarthy.

Question accordingly negatived.

Amendment No 2 proposed: In page 2, line 17, after "nil)" insert

"and, impose a community service order (within the meaning given by Article 13 of the Criminal Justice (Northern Ireland) Order 1996 (NI 24)). — [Mr McCartney.]

Question put and negatived.

Clause 1 ordered to stand part of the Bill.

Clause 2 ordered to stand part of the Bill.

Clause 3 (Deduction of offender levy imposed by court from prisoner's earnings)

Amendment No 3 proposed: In page 3, line 24, at end insert

"(4) The governor of a prison or young offenders centre, or a person authorised by the governor, may make provision for a community service order to be carried out within the prison setting for the purpose of discharging a community service order." — [Mr McCartney.]

Question put and negatived.

Clause 3 ordered to stand part of the Bill.

Clause 4 (Offender levy imposed by court: other supplementary provisions)

Amendment No 4 proposed: In page 3, line 28, after "offender levy" insert

"or non-adherence of any community service order". — [Mr McCartney.]

Question put and negatived.

Clause 4 ordered to stand part of the Bill.

Clause 5 (Offender levy on certain penalties)

Question, That the clause stand part of the Bill, put and agreed to.

Clause 5 ordered to stand part of the Bill.

Clause 6 ordered to stand part of the Bill.

Mr Deputy Speaker: I will not call amendment No 5 as it is consequential to amendment Nos 1 and 2, neither of which has been made.

Clauses 7 to 15 ordered to stand part of the Bill.

Clause 16 (Live links at preliminary hearing on appeals to the county court)

Amendment No 6 proposed: In page 11, line 25, at end insert

"with the agreement of the appellant." — [Mr McCartney.]

Question put and negatived.

Amendment No 7 made: In page 12, line 5, at end insert

"(8A) If the court proceeds with the hearing under subsection (8) it shall not remand the appellant in custody for a period exceeding 8 days commencing on the day following that on which it remands him." — [The Minister of Justice (Mr Ford).]

Clause 16, as amended, ordered to stand part of the Bill.

Clauses 17 to 20 ordered to stand part of the Bill.

Clause 21 (Functions of PCSP)

Mr Deputy Speaker: We now come to the second group of amendments, which relate to policing and community safety partnerships. With amendment No 8, it will be convenient — [Interruption.] Order. If Members are leaving, they should do so quietly. With amendment No 8, it will be convenient to debate amendment No 9 and amendment Nos 47 to 60, as well as the opposition to clause 34.

The Minister of Justice: I beg to move amendment No 8: In page 17, line 26, at end insert

"to consider fully any views so obtained;".

The following amendments stood on the Marshalled List:

No 9: In clause 22, page 18, line 21, at end insert

“and to consider fully any views so obtained”. — [The Minister of Justice (Mr Ford).]

No 47: In schedule 1, page 65, line 9, leave out sub-paragraph (12). — *[The Minister of Justice (Mr Ford).]*

No 48: In schedule 1, page 66, line 4, at end insert

“(2A) The joint committee shall issue to PCSPs a list of organisations appearing to the joint committee to be appropriate for designation under sub-paragraph (1).

(2B) The joint committee may revise and re-issue that list.

(2C) In making any designation under sub-paragraph (1) a PCSP must take into consideration any organisation for the time being on a list issued under sub-paragraph (2A) or (2B).” — [The Minister of Justice (Mr Ford).]

No 49: In schedule 1, page 66, line 4, at end insert

“(2A) The Department may by order designate organisations for the purposes of this paragraph.

(2B) No order may be made under sub-paragraph (2A) unless—

(a) the Department has consulted each PCSP; and

(b) a draft of the order has been laid before, and approved by a resolution of, the Assembly.” — [The Chairperson of the Committee for Justice (Lord Morrow).]

No 50: In schedule 1, page 66, line 5, after “PCSP” insert

“or by an order under sub-paragraph (2A).” — [The Chairperson of the Committee for Justice (Lord Morrow).]

No 51: In schedule 1, page 68, line 4, leave out sub-paragraphs (4) and (5) and insert

“(4) At any time thereafter, there shall be—

(a) a chair appointed by the council from among the political members; and

(b) a vice-chair elected by the independent members from among such members.

(5) In appointing to the office of chair, the council shall ensure that, so far as practicable—

(a) a person is appointed to that office for a term of 12 months at a time or, where that period is shorter than 18 months, for a period ending with the reconstitution date next following that person's appointment;

(b) that office is held in turn by each of the four largest parties represented on the council immediately after the last local general election.” — [The Chairperson of the Committee for Justice (Lord Morrow).]

No 52: In schedule 1, page 70, line 19, at end insert

“Expenses

16A. The council may pay to members of a PCSP such expenses as the council may determine.” — [The Minister of Justice (Mr Ford).]

No 53: In schedule 1, page 70, line 21, leave out paragraph 17 and insert

“17.—(1) The Department and the Policing Board shall for each financial year make to the council grants of such amounts as the joint committee may determine for defraying or contributing towards the expenses of the council in that year in connection with PCSPs.

(2) A grant made by the Department or the Policing Board under this paragraph—

(a) shall be paid at such time, or in instalments of such amounts and at such times, and

(b) shall be made on such conditions,

as the joint committee may determine.

(3) A time determined under sub-paragraph (2)

(a) may fall within or after the financial year concerned.” — [The Minister of Justice (Mr Ford).]

No 54: In schedule 2, page 73, line 36, leave out sub-paragraph (11). — *[The Minister of Justice (Mr Ford).]*

No 55: In schedule 2, page 74, line 36, at end insert

“(2A) The joint committee shall issue to DPCSPs a list of organisations appearing to the joint committee to be appropriate for designation under sub-paragraph (1).

(2B) The joint committee may revise and re-issue that list.

(2C) In making any designation under sub-paragraph (1) a DPCSP must take into consideration any organisation for the time being

on a list issued under sub-paragraph (2A) or (2B)."
— [The Minister of Justice (Mr Ford).]

No 56: In schedule 2, page 74, line 36, at end insert

“(2A) The Department may by order designate organisations for the purposes of this paragraph.

(2B) No order may be made under sub-paragraph (2A) unless—

(a) the Department has consulted each DPCSP; and

(b) a draft of the order has been laid before, and approved by a resolution of, the Assembly.” — [The Chairperson of the Committee for Justice (Lord Morrow).]

No 57: In schedule 2, page 74, line 37, after “DPCSP” insert

“or by an order under sub-paragraph (2A)”. — [The Chairperson of the Committee for Justice (Lord Morrow).]

No 58: In schedule 2, page 76, line 35, leave out sub-paragraphs (4) and (5) and insert

“(4) At any time thereafter, there shall be—

(a) a chair appointed by the council from among the political members; and

(b) a vice-chair elected by the independent members from among such members.

(5) In appointing to the office of chair, the council shall ensure that, so far as is practicable—

(a) a person is appointed to that office for a term of 12 months at a time or, where that period is shorter than 18 months, for a period ending with the reconstitution date next following that person’s appointment;

(b) that office is held in turn by each of the four largest parties represented on the council immediately after the last local general election.” — [The Chairperson of the Committee for Justice (Lord Morrow).]

No 59: In schedule 2, page 79, line 21, at end insert

“Expenses

16A. The council may pay to members of a DPCSP such expenses as the council may determine.” — [The Minister of Justice (Mr Ford).]

No 60: In schedule 2, page 79, line 23, leave out paragraph 17 and insert

“17.—(1) The Department and the Policing Board shall for each financial year make to the council grants of such amounts as the joint committee may determine for defraying or contributing towards the expenses of the council in that year in connection with DPCSPs.

(2) A grant made by the Department or the Policing Board under this paragraph—

(a) shall be paid at such time, or in instalments of such amounts and at such times, and

(b) shall be made on such conditions,

as the joint committee may determine.

(3) A time determined under sub-paragraph (2)

(a) may fall within or after the financial year concerned.” — [The Minister of Justice (Mr Ford).]

The Minister of Justice: The group contains a total of 16 amendments and the opposition to clause 34. I propose to consider each of the amendments in turn and to conclude by commenting on clause 34.

Part 3 is a significant section of the Bill that establishes new policing and community safety partnerships (PCSPs) by bringing together the functions of district policing partnerships (DPPs) and community safety partnerships (CSPs). It represents a pivotal move towards more joined-up working to benefit local communities. The ability of the partnerships to deliver on the ground will be key, and it is my hope that by combining the functions of the two existing partnerships, greater things will be achieved.

PCSPs will play a key role in building confidence in the justice system, in ensuring that the public have their say in how crime and antisocial behaviour are dealt with on the ground, and in ensuring that everyone plays their part in working towards a safer society. There has been strong support for the principle of the amalgamation, although a variety of views have been expressed about the precise way of doing it.

Amendment Nos 8 and 9 are on considering the views of the public. The amendments are to clause 21(1)(d) and clause 22(1)(d), and are in response to comments that were made by various stakeholders during the Committee evidence session. Stakeholders felt that the amendment was needed to ensure that the new policing and community safety partnerships should fully consider the views of the public that are obtained during their consultations. The

intention behind the amendment was already present because PCSPs, like DPPs before them, will be required to actively consider the views of the public. The amendment simply strengthens that commitment. I certainly believe that partnership should take full advantage of the input of voluntary and community groups and the public. I am committed to ensuring that their voices are heard. I am content to take on board the views of the stakeholders and the Committee's support and to support this amendment. I hope that it will serve to strengthen the duty of PCSPs to engage with their community and to properly reflect the public's views through their work.

Amendment Nos 47, 52, 54 and 59 to schedules 1 and 2 deal with the payment of expenses. Amendment Nos 47 and 54 remove sub-paragraphs that would have restricted the payment of expenses to independent members of the partnerships only. My alternatives, which are amendment Nos 52 and 59, make provision for councils to pay expenses for all members by means of a new paragraph 16A in schedules 1 and 2. Those amendments will ensure that all members of the partnerships are on an equal footing, that none of them is out of pocket as a result of their participation, and that councils are provided with the ability to pay expenses to representative members who do not receive them from their own organisations.

Amendment Nos 48 to 50 and amendment Nos 55 to 57 deal with designated organisations. All relate to paragraph 7 of schedules 1 and 2. The Justice Committee has tabled amendment Nos 49, 50, 56 and 57 to give effect to its preference for my Department to have the power to designate by order specific organisations onto all PCSPs. I oppose those amendments.

The key issue is that PCSPs should have flexibility in their method of operation, which means that each should be able to designate organisations that they feel would assist in meeting local needs. Importantly, they should have control over their own affairs because that is one of the key principles behind the establishment of the new partnerships.

I, therefore, propose alternative arrangements in the form of amendment Nos 48 and 55, which would see a list of organisations that are considered appropriate for designation to be produced by the joint committee, which is to say the Department and the Policing Board working

together. It will be up to each PCSP to decide whether the designation of those organisations is appropriate for them. They will not be obliged to have representation from those bodies, but they will be required to give serious consideration to including them. That is why I propose amendment Nos 48 and 55, for which I request the support of the House.

Fundamentally, this comes down to the philosophy behind the establishment of partnerships. Are we to leave partnerships with maximum flexibility or be overly prescriptive at that level? Moving into a new era for dealing with policing and community safety, I believe that the partnerships should have the opportunity to be flexible in their operation, and my amendments provide that better than the Committee's.

I turn now to paragraph 10 of schedules 1 and 2, which relate to the appointment of the chairperson and vice-chairperson. The Committee has tabled amendment Nos 51 and 58, which aim to ensure that the chairperson of the PCSP, or of the DPCSP in Belfast, is always an elected member, in the same way as the chairperson and vice-chairperson of the policing committee. However, I wish to retain the original drafting for the Bill, which allows for independent or elected members to hold the position of chairperson.

I fully recognise that the policing committee method is derived directly from the existing operation of the DPPs and, therefore, from the Patten report, and the proposals already in the Bill carry forward the principle of the primacy of elected members in carrying out work that is currently the function of DPPs. However, I believe that after the initial period of 12 months has elapsed, during which the chairperson of the policing committee will be the chairperson of the partnership, there should be the potential for an independent member to hold the position of chairperson of the PCSP or DPCSP.

I do not believe that the statutory exclusion of independent members would be acceptable to the public or to the many current independent members of DPPs, in particular. Many independent members of DPPs, particularly those who have served as vice-chairperson, have shown that they would be capable of assuming the chair of the partnership. That would allow the partnership the flexibility to consider the best person to deal with the job of

chairing the overall partnership, which is slightly different from that of chairing the policing committee. That is why I oppose the Committee amendments. They are not necessary to ensure the success of PCSPs, and may actually impede their discretion and flexibility, which, as I said, is one of the key principles behind my proposals in establishing the new partnerships. I want to ensure the maximum flexibility for local partnerships to reflect local needs and deal with them in a way that suits their locality.

Paragraph 17 of schedules 1 and 2 deals with finance, to which amendment Nos 53 and 60 relate. I propose to strengthen the Bill's commitment to provide funding support for PCSPs by making a definite commitment to fund councils to establish and run those PCSPs. I thank the Committee and stakeholders for their views on that. I understand the need for the partnerships to be certain of long-term financial commitment to funding. I am content to propose those amendments to paragraphs 17 of schedules 1 and 2. The amendments also permit funding to be paid as a grant drawn down in advance of spend, rather than retrospectively. That should help reduce the bureaucracy surrounding the administration of the partnerships. It is another part of the flexibility that I wish to see.

I turn now to the issue that has taken up a considerable amount of time in various quarters, including the Committee and Executive: clause 34, as drafted, relates to the duty of prescribed public bodies, in the exercise of their functions, to consider crime and antisocial behaviour implications. The principles of clause 34 are fundamental to the Bill. It provides the means to ensure that public bodies with a direct influence on community safety issues step up to their responsibilities to engage with their localities and have a direct impact on improving safety in their areas. PCSPs have a lead role in ensuring compliance with that duty by bringing relevant issues to the attention of those responsible. Many have a part to play in reducing crime and antisocial behaviour, and contributions can take many forms, including better street lighting and designing out potential problem spaces.

Support for that duty, as set out in clause 34, was widely expressed, particularly in response to the Justice Committee's call for evidence. In fact, a number of stakeholders felt that the clause should be strengthened. Among those most strongly in support of clause 34 were a

considerable number of existing partnerships and the Police Service. Conversely, some were concerned that such a duty would place an unwarranted burden on public bodies. My intention has been to find safeguards against the risks of administrative burden and costly litigation, while ensuring that there is a substantive duty on relevant organisations to support the delivery of safer communities.

I shared an amended version of the clause with the Justice Committee on 18 February after its formal consideration had finished, and I thank it for its careful further consideration of and suggestions on that clause. Although the Committee expressed support for the general principle, it was not content with what was then seen as the inclusion of an optional filter mechanism whereby legal action under the clause could be taken only by the Attorney General. The Committee also felt that the wording of the clause needed to be fine-tuned, and my officials have taken that suggestion away with them.

5.15 pm

I note the Justice Committee's opposition to clause 34 in its current form, and I will not support the Question that clause 34 stand part of the Bill today. However, subject to Executive Committee consideration later this week, it is my intention to bring a replacement clause forward at Further Consideration Stage. There is a fundamental requirement to have something similar to clause 34 if we are to ensure that community safety is prioritised across a range of organisations. The detail has now to be worked out, and I trust that that will be done successfully within the next week or so.

The Chairperson of the Committee for Justice:

The clauses that cover the integration of the roles of community safety partnerships and district policing partnerships to create a single partnership for each district council attracted a large volume of responses, and the Committee held an evidence event in the Long Gallery to give as many interested organisations as possible the opportunity to put forward their views.

The Committee supports the broad principle of creating a single partnership for each council area, but a number of members had concerns about the complexity of the model proposed for Belfast, how it will integrate with existing structures such as the West Belfast Community

Safety Forum and Partners and Community Together (PACT) groups and the additional administrative and resource burden that it may place on Belfast City Council. The Department suggested that the issues could be addressed when the guidance on the operation of the functions of the partnerships is drawn up and when discussions are ongoing to resolve the difficulties.

The Committee supports amendment Nos 8 and 9, which strengthen clauses 21 and 22 to ensure that genuine and meaningful consultation takes place. The clauses as they stand require a policing and community safety partnership and a district policing and community safety partnership to make arrangements for obtaining the views of the public about matters concerning the policing of the district and enhancing community safety. The amendments will ensure that the views obtained are fully considered. The Committee recommended that the amendments should be made following evidence received during Committee Stage, and it welcomes the Minister's agreement to table the amendments for consideration today.

The Committee had serious reservations about the implications of the statutory requirement that clause 34 would place on Northern Ireland Departments and public bodies to have due regard to crime, antisocial behaviour and community safety implications in exercising their duties. We concluded that, in the absence of a suitable amendment being tabled, it has no choice but to oppose the clause standing part of the Bill.

The Committee reached that conclusion following detailed scrutiny of the clause, and I will outline how we got to that position. Following the introduction of the Justice Bill to the Assembly, the Minister advised the Committee that some members of the Executive were concerned about the implications and requirements that might arise for Departments. The Minister had given an assurance that clause 34 required the Department of Justice to publish guidance and had also given an undertaking to go back to the Executive once the Committee had considered the clause. It is, therefore, clear that there were concerns about that clause from the very start. Evidence received by the Committee did, however, indicate that there is support for that provision from many community safety partnerships, district

policing partnerships, the Northern Ireland Local Government Association, the PSNI and the Policing Board, and some of those organisations want it to be strengthened further.

The Attorney General for Northern Ireland attended the Committee meeting on 18 January to discuss clause 34, and he articulated a number of concerns that centred around the wide scope of the clause and the corresponding potential for legal challenges, which could be very costly. The Attorney General expressed the view that the current provision is likely to give rise to a great deal of problems and claims without necessarily generating positive outcomes and improved policymaking or thinking by the various public bodies.

The Committee shares those concerns and views and is also concerned about the cost of implementing any requirements arising from the statutory duty and the associated additional administration, particularly given the current difficult financial climate. The Committee does not support some of the language used in the clause, which appears to combine the actuality of a reduction in levels of crime and antisocial behaviour with perceptions of them. That could give rise to a situation in which, although an actual reduction in crime has been established by empirical methods of assessment, the local community's perception might be that there had not been a reduction.

During oral evidence, the Department advised the Committee, as the Minister has said, that the clause is regarded as important to the future partnerships and that the intent is to establish a principle about how public bodies should interface with the PSNI and others on crime and antisocial behaviour, rather than to create a bureaucratic structure. However, the Department confirmed that there would be an obligation on organisations to demonstrate that they are complying with the statutory duty.

In an attempt to address the Committee's concerns, the Department provided draft amendments to clause 34 during Committee Stage. The amendments removed the wider, more general requirement for a body to do all that it reasonably can to enhance community safety, limited the number of bodies impacted by the clause to those that will be prescribed by the Department through regulations, and strengthened the requirement to consult other Departments prior to the issuing of guidance

on the clause. The aim of that was to ensure that practical implications for Departments are addressed and that they have adequate opportunity to feed into the guidance. Among other things, the guidance will address how the duty may be fulfilled in the most appropriate way for an organisation in the delivery of its functions.

Before the Committee could assess whether the draft amendments addressed our concerns and the concerns outlined by the Attorney General, the Department advised that it would provide the Committee with a different amendment. Departmental officials attended a Committee meeting on 8 February and informed members that the new amendment required the Department to secure the approval of the Attorney General before issuing any guidance on how a public body should comply with the duty.

The Department had just discussed the new amendment with the Attorney General, and he was of the view that two aspects of it should be strengthened. The first of those was so that the duty of the public body was to the guidance which he has approval of, and the second, to ensure that there is no wasteful litigation, was that the guidance will lay out the extent to which the failure of a public body to meet the guidance could be dealt with. The Department, therefore, was in the process of considering changing the amendment to clause 34 again and was not in a position to provide a draft amendment for the Committee to consider prior to the completion of the Committee Stage on 11 February.

Since then, the Committee has been briefed on further ongoing work to try to find an acceptable clause that will deliver the general principle and merits of the current clause but limit the scope of the public bodies to which it will apply and mitigate the concerns regarding the likelihood of widespread and costly challenges. The Committee still has reservations with elements of the proposed new clause and has written to the Minister about those. The Committee wants and, indeed, expects public bodies to do all that can reasonably be expected to contribute to tackling community safety and antisocial behaviour. However, the statutory duty that clause 34 currently creates for a large number of public bodies, and the potential for widespread costly legal challenges, are not helpful or acceptable.

Unfortunately, in the absence of any suitable amendment being presented today that would address the genuine concerns that have been raised, the Committee must maintain its stance and is unable to support the clause. I urge the House to join the Committee in opposing clause 34. The Minister has an opportunity to introduce a new clause at Further Consideration Stage, and the Committee will continue to work with the Minister with the aim of introducing a suitable new provision at Further Consideration Stage by way of an amendment that everyone can support.

I will now deal with amendment Nos 47 to 50 and 54 to 57, which all deal with the designation of organisations to a policing and community safety partnership. The Minister and the Committee do not agree on that matter, and, therefore, two different sets of amendments are in front of the House.

The Minister outlined the reasons for his approach. I am still not sure of the reasoning behind his proposed amendments, which appear to be a halfway house. On the one hand, he wants to indicate organisations suitable for designation; on the other hand, he does not want to designate them, but would rather leave the decision up to individual policing and community safety partnerships, which will not achieve the objective, which is to ensure that, by designating them, they are represented on the PCSPs.

Initially, the Department's position was not to designate any organisations. However, following the Committee's consideration of the matter, the Department conceded that there was not a strong argument for saying that it would be inappropriate to designate a relatively small number of organisations, which should always be present on a PCSP. However, the Minister's preferred approach, as outlined in amendment Nos 47, 48, 54 and 55 does not ensure that certain organisations are represented on all PCSPs. Rather, he is suggesting that the joint committee, which is made up of the Department and the Policing Board, will issue a list of organisations that appear to the joint committee to be appropriate for designation. In making any designation, a policing and community safety partnership must take into consideration the organisations on the list. However, it is not compelled to designate them.

In contrast, the Committee is clear in its support for the general principle that a small number of organisations should always be present on a policing and community safety partnership. That is reflected in amendment Nos 49, 50, 56 and 57, which we tabled today. Our approach requires the Department to produce a regulation listing the proposed designated organisations, which would come before the Assembly for approval. That will place the decision-making in the hands of the Assembly, which the Committee believes is the most appropriate place for it, and will give the partnerships integrity and prevent a partnership, for whatever reason — accidentally or otherwise — from excluding an organisation that should be represented on the partnership.

There was strong support for that approach during the Committee's oral evidence event. The Committee had in mind to include, for example, the Probation Board as one of the specified organisations. In designating a small number of key organisations, the Committee does not believe that it will seriously restrict the flexibility of the policing and community safety partnerships, as the likelihood is that designated organisations will be invited anyway. However, it will ensure a consistent level of skills and expertise across the PCSPs and ensure that a locality cannot take the view that a particular organisation such as the Probation Board is not relevant and leave it out for whatever reason. On that basis, the Committee seeks the support of the House for amendment Nos 49, 50, 56 and 57.

I will now turn to amendment Nos 51 and 58, which the Committee tabled. They seek to change the appointment arrangements for the chair and vice-chair of a policing and community safety partnership and a district policing and community safety partnership. The Committee is of the view that the chair of a PCSP should always be an elected member and should be appointed in the same manner as set out in the Bill for the appointment of the chair of the policing committee, that is, by the council using the same procedure that currently exists, which is that the office is held in turn by each of the four largest parties represented on the council immediately after the last local general election.

The rationale behind the proposal is that democratic accountability is key for policing and community safety partnerships. Therefore, an elected member should be the chair. That

will also create better council buy-in and put a greater responsibility on the elected member to make the case for, and press the council to support and contribute towards, PCSPs. If an elected member is not the chair, there is a real danger that the councils will not engage sufficiently and will not provide appropriate funding, as there is no requirement or incentive for them to do so, particularly given that there is a minority of elected members on the policing and community safety partnerships and the councils are not represented on the joint committee.

The Minister indicated to the Committee and has done so in the House today that he does not believe that the statutory exclusion of independent members will be acceptable to the public at large or to the many current independent members of DPPs in particular. In his view, it is not necessary to ensure the success of the PCSPs and may be seen to impede the discretion of the new partnerships to manage their affairs to best effect, which is one of his key principles in establishing them.

The Committee would, however, point out that independent members are not excluded from the post of vice chair. The argument about the need for democratic accountability and to create a situation that will facilitate and encourage buy-in from councils, as I outlined, is compelling. We seek the Assembly's support for those amendments.

5.30 pm

The Department advised the Committee of its intention, in response to concerns raised by the Committee and stakeholders, to bring forward amendment Nos 52 and 59 to give councils scope to pay expenses to all members who do not receive them from their own organisation. On behalf of the Committee, I support amendment Nos 52 and 59.

With regard to amendment Nos 53 and 60, the Department advised the Committee that, as scrutiny of the Bill had progressed, the need to clarify the means of funding for policing and community safety partnerships had arisen. The Department, therefore, proposed to table amendments at Consideration Stage to ensure that the Department and the Policing Board's commitment to funding the policing and community safety partnerships was conveyed and to include further details of the actual mechanisms for funding them. The Department

intended to allow provision of a grant in advance of spend, rather than retrospectively. The Committee supports amendment Nos 53 and 60.

Ms Ní Chuilín: Go raibh maith agat, a LeasCheann Comhairle. Before I go into detail on the second group of amendments and the clauses to which they relate, I want to put on record my thanks to the other Committee members for the work that has been done to bring the Bill thus far. Thanks and appreciation must, definitely, also be afforded to Committee officials. Some of them are present in the Chamber. I believe that it is true to say that, by the time the Bill goes through, some of those officials will have attended more justice meetings than certain members of political parties. We all know who they are. I want to give my appreciation to the Committee staff who organised witnesses to appear in front of the Committee and to the witnesses who appeared to give evidence.

I want to deal in particular with the Belfast model. Sinn Féin's position has been clear: in Committee, it abstained from voting on that aspect of the Bill. It is fair to say that my party shall, as opposed to may — two favourite words of legislators — table amendments at Further Consideration Stage regarding the Belfast model. As the Chairperson mentioned and as is cited in the report, discussions are ongoing, and many complexities surround that model. We hope to have tabled amendments by the time the Bill reaches Further Consideration Stage if the situation has not been sorted out by Belfast City Council or, indeed, by the Department. I just want to put that on record.

I have absolutely no desire to go over some of the detail that has been well covered by the Chairperson, except to say that the Committee was and still is at odds with some of the proposals made by the Department and the Minister, particularly, as has been pointed out, those that relate to the designation around community safety partnerships. As other Members mentioned, a lot of work has been done at different stages. Certainly, at the event in the Long Gallery on 16 December, there were discussions about issues that now relate to amendment Nos 52, 59, 53 and 60 and around the Policing Board and the Department. It was made clear that the finance issue needed to be resolved. I am happy that that is the case.

Many people put an awful lot of work and time into community safety partnerships and DPPs, as they are at present, and continue to do so. Well, some people did. I can speak only for my area, North Belfast. Certainly, other areas could learn from exemplary work that has been done on community safety in that area. I am sure that the community would have difficulties with the level of participation of some elected representatives. That is not without prejudice. I have to say that participation by some political parties has been fairly inconsistent.

I want to touch briefly on clause 34. The Minister made some comments when he opened the debate on clause 34. I want to be clear: the Committee's opposition to clause 34, as it stands, should not be translated into the Committee's opposition to public and statutory bodies delivering community safety and the enhancement of community safety in our communities through, for instance, the Design Out Crime initiative and so on. I am not saying that the Minister said that as such, but he needs to accept that, when the clause is brought forward properly, we all must be able to share it and stand over it.

The Minister of Justice: It was not my intention to suggest that there was opposition to the principle behind clause 34. It is clear that there is a general view that we need something like clause 34. The problem is that we have not yet defined exactly what it should be.

Ms Ní Chuilín: I appreciate that the Minister did not mean to suggest that. There is a concern about the potential to make bad legislation and the impact that that will have. It will end up in court and cost more money, and nobody will have responsibility for anything. I do not think that any of us wants to make bad laws, and we do not want to pass those on to public bodies. We have a further opportunity at Further Consideration Stage to get this right, but it is a small opportunity to get this right.

Even before the Attorney General came to the Committee and gave advice, various members had spoken about their concerns around clause 34. Some of us are very active on community safety partnerships; we have been through the arduous task of trying to make some statutory bodies accountable with regard to better community safety and making sure that we do not have community safety by postcode. Some allegations in that regard could, from

my perspective, have been levelled at some statutory bodies, depending on what they were and which room they were sitting in. We do not want that. Likewise, we do not want to end up in court. There are constant ongoing challenges to someone's provision or the statutory obligation to provide services. That is one of the issues that needs to be sorted out, and it was outlined by the Chairperson.

The Chairperson has outlined which clauses we are supporting and which amendments we are and are not supporting. We will table amendments at Further Consideration Stage, particularly in respect of clauses 20, 25, 28 and 31 and the Belfast PCSP model.

Mr Cree: I declare an interest as a member of the Northern Ireland Policing Board. From the outset, the Ulster Unionists have broadly supported the proposals to amalgamate the district policing partnerships and the community safety partnerships into the new PCSPs. That is because the change brings with it the opportunity to prevent waste as well as the introduction of greater clarity.

PCSPs should be a fundamental mechanism through which the public can engage with the police. Those partnerships should act as a forum in which dialogue can be had between the two. The public should be given the opportunity to impress on the police what issues are causing concern in their local area, and the police can act accordingly. It is, therefore, a necessity that PCSPs not only make arrangements for obtaining the views of the public about matters concerning the policing of their community but that they take those views fully into account. For that reason, I welcome amendment Nos 8 and 9 to clauses 21 and 22. Those amendments would make it a core function of PCSPs and DPCSPs to consider fully any views so obtained from the public. That strengthens the voice of the community within PCSPs, and, for that reason, they are positive amendments.

The subject of financial remuneration for those involved in PCSPs has also come in for some debate. Amendment No 52 to schedule 1 provides scope for the council to pay all members of a PCSP such expenses as the council may determine. That allows expenses to be paid to members who do not receive them from their own organisation. Originally, the Bill provided for expenses to be paid only

to independent members of the partnerships. I support that amendment, as it could encourage experienced people to become involved in PCSPs and DPCSPs who might not otherwise have considered it possible. That can only improve the quality of partnerships.

Clause 34 places a duty on public bodies to consider community safety implications when exercising their duties. The Committee decided that it will oppose that clause. I believe that that is due to reasons relating to the wide scope of the clause and the potential for costly legal challenges that that brings. There have also been concerns about the implementation and administrative costs of clause 34. The rationale behind the clause is positive, and I know that the PSNI supports the proposal to make other bodies apart from it more responsible for crime and antisocial behaviour. Crime and antisocial behaviour should be tackled using a cross-departmental, cross-agency approach, and placing a duty on public bodies to give due regard to those issues promotes that idea. The police have the main role to play in combating crime and antisocial behaviour, and their performance in that role is held to account by the Policing Board.

A problem with clause 34 is that there is no provision for effective scrutiny of public bodies as they carry out that intended new duty. The potential difficulties with net widening in relation to legal challenges have also not been adequately overcome. Therefore, regrettably, I understand the intention of the Committee to oppose clause 34 and express my disappointment that the Minister could not facilitate an agreeable outcome in that area.

Finally, amendment Nos 48 and 55 would allow the joint committee to issue a list of organisations appearing to the joint committee to be appropriate for designation on to a PCSP or DPCSP. The partnership would have to take that list into consideration when making a designation. However, those amendments do not have the necessary scrutiny function, and, for that reason, I am not convinced of their merit and see no place for them in the Bill.

On the other hand, amendment No 49 will mean that the Department may, by order, designate organisations if a draft of the order has been laid before and approved by a resolution of the House. That amendment is therefore preferable

to amendment Nos 38 and 45 in the scrutiny that it provides.

5.45 pm

Mr A Maginness: I thank the Chairperson and Deputy Chairperson of the Justice Committee for the skilful manner in which they have led the Committee and for the thorough way in which the Committee has dealt with all the matters before it. I thank the Committee staff for their thoroughness and endless assistance. I also thank the Department's officials for their help and co-operation, which, as colleagues said, was first-class.

In relation to clause 20 and the establishment of PCSPs, the SDLP is of the view that that is a proper and timely reform of DPPs and community safety partnerships. We see it as an enhancement of the original concept of the DPPs, which were created as a result of the Patten Commission. It is important to maintain that link with the community, to expand the original role of the DPPs into one of considering community safety in general and to increase community involvement. One of the weaknesses of the present system is insufficient community involvement at DPP level. That fusion is important, and I think that it will work. It is right and proper that the Department came to the Committee with that concept and encapsulated it in the draft legislation. It is important for the Assembly to support that concept and its objectives, which are to provide a greater sense of security and safety for local — I emphasise the word “local” — communities. The more local people and local organisations are involved, the better.

I commend the Committee for emphasising the need for meaningful consultation, for encouraging the Department to expand the way in which the PCSP would operate and for ensuring that the partnership will give full consideration to the views of local organisations and the local community. The addition of the related amendments is extremely helpful because they strengthen the need for the partnership to take into consideration, in a genuine and sustained way, the views of local communities. That is vital to the future success of that organisation.

There was much discussion about antisocial behaviour. I am grateful to the Department for drawing the attention of the Committee to the definition of antisocial behaviour in the Anti-social Behaviour (Northern Ireland) Order 2004:

“ an anti-social manner, that is to say in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household ”

That is a useful guide to what constitutes antisocial behaviour because we could talk for ages without reaching a precise understanding of what it means. We all know what it means in our lives and in the lives of ordinary citizens, but a definition in those terms is helpful to the Committee and the House.

Along with colleagues, I disagree with the way in which clause 34 has been drafted. Perhaps I will go a little further than most colleagues by saying that, even if amendments were brought to the House in the way that the Minister took quite some time to describe and outline, I am not certain that I would support clause 34. It imposes too heavy a duty on public bodies and would give rise to considerable additional public expenditure and costs. It would also give rise to litigation that could result in actions for compensation, which could be detrimental to the way in which public bodies operate. It might not enhance their view of developing community safety. Instead, it might damage and weaken them and make them risk-averse. In any event, the clause places too heavy a duty, at this point, on public bodies. We should be careful about expanding statutory duties to public bodies at large. There are many statutory duties on public bodies. If we add another one, we will add a not insignificant burden to public bodies.

The Department has not properly costed the proposal. I am not certain that the Department could properly cost the proposal in practice. Imposing a statutory duty on public bodies would mean taking into consideration not just the PSNI or local councils but lots of other bodies, such as the Housing Executive. It is important for us to estimate the cost of that for a wide range of public bodies. The cost could be substantial, which, in times of economic stringency, would not be particularly helpful to those public bodies. I ask colleagues to consider that extremely carefully. It is important that those matters be costed. The Minister will probably be able to reply in more detail on this, but I am not certain that his ministerial colleagues are aware of or are sensitive to what the clause might mean for their Departments.

I am perhaps more strongly opposed to clause 34 than some of my colleagues on the Committee and in the Assembly. I am not

convinced that any future amendment would change my point of view, but I will not rule that out completely. There was a timely intervention by the Attorney General on the matter. I sensed that he was not fully satisfied with the draft amendments that were put to the Committee. Whether or not he is now satisfied with them, I do not know, but his points were very influential in shaping the minds of Committee members on the matter.

On the issue of payment to members of partnerships, it is important that people are properly remunerated for the work that they do. It is public work, and it is important, but it means cost in respect of time, particularly for independent or lay members. It is important that those people receive proper remuneration for their time. It is also important that those who are public representatives and are involved in such bodies be properly remunerated. I will add one caveat to that: if we are looking at local government at large — I am sorry if I am straying a little, Mr Deputy Speaker — we should consider giving local councillors a decent salary, which would end the need for some of them to join committees and outside bodies to enhance their remuneration. As I said, it would be much better if councillors received a decent salary and forwent any outside or additional payments. That would be the proper way to approach things, and, although it is an individual view, it is one that is worthy of some consideration in the House.

There was a difference of opinion between the Committee and the Minister on the issue of designated organisations. I prefer the way in which the Committee has approached the matter, and I support that position.

It is right and proper that councillors, who are elected public representatives, should be able to be chairpersons of partnerships. It is important that we maintain that democratic mandate. That would not take away from the standing of independent members of partnerships, and I disagree with the Minister on that point. Independent members are appreciated and have a very real value to add to partnerships' deliberations. However, there is a special position for councillors. They have a democratic mandate that should be respected. They should be able to become the chairpersons of the partnerships, not just the chairpersons of the policing committees.

There is not a great deal of disagreement over this group of amendments. It may appear that there is, but, in the main, the Committee and the Minister and his officials saw eye to eye. Clause 34 may be the exception to that, but that deals with quite a substantive issue on which disagreements are sincerely held.

Dr Farry: When discussing this group of amendments, it is important that we recognise that the policing and community safety partnerships are the most innovative aspect of the Bill. Hopefully, they will also come to be seen as its most important aspect. In that sense, it is important to understand the thinking behind those partnerships and what they are there to do.

The creation of the new partnerships is a great deal more than an attempt to rationalise the existing district policing partnerships and community safety partnerships. That might seem to be the case at a time of financial pressure, but the problems of having parallel organisations were identified by a number of people over many years. Although there will be some efficiency gains from running the two organisations into one, the new partnerships must be regarded as much more than the sum of their parts. They are concerned with a new way of doing things and a greater degree of localism, partnership and co-operation between councils, the police and different agencies so that they can address the problems of crime, antisocial behaviour and community safety at a practical level in local communities and neighbourhoods.

Although we may be creating a bespoke set of arrangements to reflect Northern Ireland's particular circumstances, we are not reinventing the wheel. The new arrangements draw on a considerable body of evidence that exists elsewhere in the United Kingdom.

It is also important to reflect that the police are in favour of that new type of working. When the current Chief Constable, Matt Baggott, took up his post, he came with very strong credentials in respect of the community policing taking place in the Leicestershire Constabulary and of buying into the wider context of crime and disorder partnerships that have been in existence in Great Britain for quite some time.

6.00 pm

It is important that Members bear in mind what we are trying to achieve. This is not simply a matter of bums on seats, moving people around or whatever we call it. It is about the delivery of change for communities. When people refer to the costs involved and whether it has the potential to become bureaucratic or whether there will be costs for Departments and public bodies in how they comply with potential new duties, it is important to bear in mind the savings that could exist if there were proper community safety partnerships working effectively in Northern Ireland.

Those savings are to be found in how we address crime and antisocial behaviour. If we prevent something happening, the costs to society are far less than a situation where a crime or antisocial behaviour occurs. Those costs are not just the costs to the system of processing offenders but the economic, environmental and social costs borne by those affected by crime and the wider neighbourhoods that are affected by crime. There are also implications for the ghettoisation of neighbourhoods affected by crime and the impact that that has on people's employment opportunities and health and on the prospects for bringing in inward investment. All of that has to be seen as part of a package of joined-up government and how we can make this society work better. Although justice has a role to play, it is a much wider agenda for the entire Executive, the public sector, and beyond the public sector into civil society across Northern Ireland.

In turning to the detail, inevitably discussion is directed towards clause 34. I am speaking with some reluctance and perhaps pragmatism in recognising that we need to have further discussions on finding a form of words that the Committee, the Department and the Assembly can agree on. However, it is important that we try to promote joined-up government, whether between the Executive and Departments or between agencies at the grass roots. We need a mechanism to try to drive that forward. Those mechanisms are in law in other parts of the United Kingdom. Although I understand that some people are expressing a large degree of caution, the examples of practice elsewhere do not bear out that caution. Things have proceeded without the fears that people have promoted coming to pass. We need to be conscious of the wider context.

As we move towards joined-up government, if people say that we must learn to walk before we can run and that we must take it one step at a time, so be it. Hopefully, a revised text of clause 34 will reflect that stage-by-stage approach to how we do joined-up government.

If we are to really make policing and community safety partnerships work, we must ensure that the right people representing the right organisations are at the table with the authority to deliver on behalf of those agencies, and that there is a willingness by the Departments and the agencies involved to engage and, if necessary, to commit resources for collaborative working, so that everyone saves in the long run. Although some organisations may have to dip into their pockets, the savings to the system down the line will be that much greater, not just financially but in terms of all the other costs that are potentially avoided.

Clause 34 is needed, and I strongly disagree with the approach taken by Alban Maginness in suggesting that there may not need to be anything in that stage or that there is a nervousness about anything being done in placing duties on others. I stress that we absolutely do need to have something there.

Mr A Maginness: Will the Member give way?

Dr Farry: Just a wee second.

If it is not going to be the perfect solution, let us at least get something down and experiment with it, learn the lessons from it and return to it in due course.

I give way to Mr Maginness.

Mr A Maginness: I hear what the Member says. However, this matter has not been properly costed. It is necessary to cost it because we are going to put too great a burden, both financially and resource-wise, on to public bodies. We can do that, but we have to prepare for it. One crucial way of preparing for it is to assess what the impact is going to be on a public body. That has not been done, in my opinion.

Dr Farry: That may well be the case with a very narrow reading of the issue. However, the comment that Mr Maginness makes reflects a drawing in of the wagons by public agencies, as they focus on a narrow definition of roles and responsibilities, perhaps set out in statute, for their particular organisations, taking almost a beggar-my-neighbour approach.

However, my point stands. Many Members from many parties, including from the SDLP, have stressed the point in the Assembly that we talk increasingly about the notions of early intervention and preventative work and the need to invest resources collaboratively, with people bringing money to the table collectively and investing up front to prevent things from happening. If we do that, the evidence is borne out. Strathclyde is the shining example. We will find that there are savings to be made, even in the short term, and there will be better product, with communities experiencing a reduction in crime and antisocial behaviour.

Say we have education, health and the police working to identify young people at risk and trying to intervene, through schools and social workers, at an early stage. That may well involve an increased cost up front for the organisations involved. However, if that young person is prevented or discouraged from going down a path of crime or engaging in antisocial behaviour, we are saving money in the court system and in more costly interventions by schools or social services down the line, such as someone having to be taken out of a domestic situation and placed into care. We also avoid the non-financial costs of what that crime and antisocial behaviour would have done to a community. There is a big prize to be found here, through the finances. I plead with Members not to get bogged down in the very narrow concept of a budget line on this, and to see the bigger picture of what this is trying to achieve. Similar models have worked elsewhere, not just in these islands but around the world, providing better and more rounded outcomes for their communities.

Other amendments are causing some particular concern. It is important that we respect these partnerships as such, and we stress the word "partnership". That includes flexibility in respect of giving chairmanships and vice-chairmanships and not being overly prescriptive. Nine times out of 10, there may well be a situation where an elected member ends up in the chair or vice-chair position, but it is important that we are not overly prescriptive in this regard and that we respect that what we are doing is trying to shape local solutions for local problems.

In a similar vein, it is important that we do not overly prescribe the particular bodies that need to be involved in different areas. It will be that the local partnership is better placed to discover

which bodies are most relevant to the particular needs of an area.

I certainly agree with the Minister's decision not to oppose the Committee's opposition to clause 34. It is important that we have something of substance at Further Consideration Stage. We should try to take this forward and, at the very least, see how it goes and then return and increase this incrementally as people build up more confidence and see the logic of what this is all about.

Lord Browne: I declare an interest as a member of Belfast City Council, which is mentioned in some clauses. I simply want to direct my remarks to opposition to clause 34, which I know that the Committee examined in some detail. Although it is important and right that public bodies avoid actions that would increase crime or antisocial behaviour problems, it is another matter to impose a duty on a public body:

"to do all that it reasonably can to enhance community safety."

Strabane, Londonderry and Limavady DPPs highlighted the fact that that will create the requirement to "community safety proof", as they put it, all policies and procedures. As we heard, that would place a huge administrative burden on any public body that fell under the remit of the clause. Although some public bodies, such as the police, are necessarily focused on crime reduction, many others do not have a direct input into the process of crime prevention. If this duty were placed on them, it would be more likely to give rise to cases going through the courts than it would to improving people's lives and communities. Indeed, I think that the Attorney General made that point to the Committee. Ultimately, I believe that clause 34 is far too vague and too far-reaching. It may be well intentioned, but it is unlikely to achieve its goal.

The Department claimed to the Committee that it was not its intention to create a large bureaucratic construct to monitor compliance and regulate the process. However, it is very hard to see how that will not be a necessary by-product of the clause, as every public body that is affected will have to follow the assessment and review process for every decision that it has to take.

Mr A Maginness: I agree entirely with what the Member said about clause 34. However, I ask

him to consider that not only does it refer to a community safety duty on a public body but it is complicated. Clause 34(3) states:

"References in this section to enhancing community safety in any community are to making the community one in which it is, and is perceived to be, safer to live and work, in particular by the reduction of actual and perceived levels of crime and other anti-social behaviour."

If that is examined, it could be seen that there could be a situation in which crime or antisocial behaviour have actually reduced, but the local perception in the community is that they have not. So I am not sure how such a duty could be carried out in the context of that clause, which seems to be confused and confusing.

Lord Browne: I thank the Member for that intervention. I understand that the definition of the word "perceived" will add further complications to the clause. Indeed, the only assurance that the Minister promised to the Committee was that there would be consultation before the guidelines for the clause are drawn up. I do not believe that that will go far enough to address the Committee's very serious and far-reaching concerns on the clause.

Basically, clause 34 does not appear to offer the public any real advantage in crime prevention or safety. Conversely, however, as we heard, it holds a large number of unanswered and potentially costly questions for the public bodies that will be subject to it.

Although I oppose clause 34, I welcome amendment No 52, which is in the Minister's name and concerns remuneration. I am glad that that issue has been resolved.

6.15 pm

Mr Givan: As this is the first opportunity that I have had to speak on the Bill, I join others in thanking the Committee staff for all the work that they did to help us carry out our work. I also thank the departmental officials, who certainly gave a good account of themselves. In my view, the Minister can be very proud that his officials fought vigorously for him at every opportunity, at times unsuccessfully, but, on most occasions, ultimately got their way. They did a very good job of making sure that we knew and fully understood all the issues before we took decisions on them.

I will touch briefly on a couple of points relating to this group of amendments. Like other colleagues, I share the concern about the inclusion of clause 34, which deals with the duty on public bodies. I am sure that all Members feel that public bodies should, of course, consider antisocial behaviour and the effects of crime. However, the issue is whether we should put explicitly in legislation a duty on them to do that. Indeed, I feel that we are almost inferring, by seeking to have it included, that those public bodies do not take those matters into consideration, when they, in fact, do. When public bodies are looking at issues, they should be allowed to look at the broadest scheme of things, and then take decisions about how best they can exercise their function. By putting a duty on those public bodies, we are elevating one particular area above all others. Those bodies, then, have to ensure that their functions are organised around a piece of legislation to make sure that they are protected from it.

Mr B McCrea: Does the Member agree with the Chief Constable that there is merit in the spirit of clause 34, that the police quite often find themselves isolated in being responsible for all the actions that are taken, and that they could do with support, particularly over the Twelfth and such like, from other Departments, whether that it is in the form of diversionary activity or other activities. Whatever way we phrase it, and the Member is quite right in saying that we do not want to over-elevate it, we need to find a way to ensure that the police are not isolated and left alone.

Mr Givan: I expressed those sentiments in my opening comments. Every public body should, of course, be concerned about those issues. Whenever those issues are elevated by placing a duty on public bodies, I stand with the Attorney General, who has concerns that such a duty opens up the potential for litigation to the point at which public resources will be spent on defending those public bodies in exercising their functions. People will never be absolutely happy with everything that a public body does, and, therefore, they turn to the courts. It is very clear that Northern Ireland is a highly litigious society, and people will be quite willing to take public bodies to court.

I agree that we should oppose the inclusion of the duty at this stage. I am very reticent to have it included when it is further defined, because, at this point, I still have significant reservations

about the inclusion of the proposals that the Department put to the Committee. I ask myself, what is driving that? Those who are driving towards having a duty are those who are very much focused on the community safety aspect of the work that they do, and rightly so. Indeed, if community safety was all that I was ever interested in, my sole purpose would be to ensure that we create legislation solely with that in mind. However, public bodies need to take on a broader spectrum of views when they exercise their functions. In my view, placing a duty on them makes that job much more difficult.

In my experience, we too commonly have government by writ rather than by wit. The duty would impose that problem on public bodies, whereas at the moment they can take matters into consideration without a duty having to be placed on them. I have considerable concerns about clause 34 and about its future inclusion when we get to Further Consideration Stage. I wait to see what comes from the Department and the Executive on the issue.

We have reached a compromise position on the designation of the specified groups. Local bodies should be given freedom to decide what is best for them when it comes to having designated organisations on the new partnerships. We should specify single bodies that can be identified across the board and with which all local partnerships are content. However, I am content with the compromise position that we have reached.

I thank Committee members for supporting me in taking forward the issue of the chairperson and vice-chairperson of the new partnerships. We have moved away from direct rule. Under devolution, we put power into the hands of locally elected representatives. We are setting up partnerships that will include councillors. Councillors will be in a minority on them. That is an issue in itself, but I will tolerate it. I felt that it was a compromise position for an elected member to hold the position of chairperson for the reason that that person is an elected member. In my experience, independent members do a good job on district police partnerships. However, the public have not given them a mandate to be there. Politicians, who have been given a mandate, should be given greater weight and responsibility to carry out those duties.

My concern with councillors being in a minority was that councils would not fully commit themselves to working the partnerships. My experience on the South Eastern Education and Library Board, on which councillors were in a minority, was that the independent members grouped together to the exclusion of all elected members of that body. I do not believe that the Alliance Party was represented in that organisation, but every other party in the Chamber had members on it. We did not hold the positions of chairperson or vice-chairperson of that organisation. It created an unhealthy tension, and elected members, rightly or wrongly, were able to act in perhaps not the most responsible way. I will go as far as to say that. When elected members are put in positions of responsibility, where they have to exercise power, they will usually do so. Some on our own Executive have that ministerial responsibility and are perhaps not exercising it in the most responsible way, but I digress.

The arrangement that I suggest will ensure that councils will buy into the process by having a councillor in the position of chairperson. It does not in any way reflect on independent members' ability to do the job. However, it creates the correct distinction, in that elected members have a mandate to be there and, therefore, should be empowered to take up positions of responsibility.

Mr McFarland: I welcome the final sorting-out of the DPP and CSP difficulty. I was a member of the Policing Board when DPPs were set up back in 2002. When the NIO set up CSPs shortly after, there ensued quite a row over who would do what and what the powers would be. That row has wrangled on since then, so I thank the Minister for finally — hopefully — sorting it out.

I want to try to get the Minister to clear up some confusion. When DPPs were set up originally, we spent quite a lot of money on managers and secretaries. The idea was that councils would take DPPs under their wing for the first year and eventually allow them to fly of their own accord. DPPs were to be semi-independent and able to do their own thing. Some councils allowed that to happen, but other councils resolutely refused. Some DPP secretaries are chief executives of councils to this day. Indeed, DPPs effectively became council subcommittees. Will the Minister clarify how it will work now? Will councils free up PCSPs to run semi-independently, or are they likely to come under

complete council control, with chief executives running them as subcommittees of councils?

Mr B McCrea: I am grateful for the opportunity to add a little bit to this debate, and I declare an interest as a member of the Northern Ireland Policing Board. I want to deal with clause 34, which is a matter of some concern when we look at DPPs, CSPs or PCSPs, as they will be called. The police have made representations about the fact that they really want to make sure that they are not isolated in their duty to deliver remedies against antisocial behaviour. It is really important that we find a way of making sure that our public bodies work together in unison and as appropriate. I am quite sure that my colleague Mr Cree will have put forward the argument that the principle of getting public bodies to work together and to take on board a responsibility for dealing with a whole lot of issues should be accepted, but that it is important that the legislation is drafted in a way that does not overburden those bodies. Nevertheless, I just want to put on record the reason why we oppose clause 34. It is not because of its spirit; rather, it is because we want something that is much better, more properly thought out and is actually supportive.

The Minister of Justice: In making my winding-up speech on this group of amendments, it is appropriate that I welcome Members' general support for the direction of travel in seeking to enhance the work of the two existing sets of partnerships and to establish the new PCSPs. It is clear that some Members see that proposal as an enhancement of the Patten report, while others see it as an enhancement of local partnership. Other Members talked about community safety issues. However, for whatever reason, there has been general support, particularly for issues such as enhancing funding and the role of public consultation.

Let me just say a word or two about my past experience as a member of Antrim Borough Council at a time of Antrim DPP and as a member of Antrim CSP. Like Alan McFarland, I remember CSPs being established not that long after DPPs were established, and, even at a very early stage, it was clear that there was the potential for, if not exactly conflict, a lack of understanding when broadly the same group of people met in the same room at different times of the month to discuss broadly the same issues. Legitimate questions were asked about why the NIO had gone down the road of

setting up a second set of partnerships. I am, therefore, delighted that we are addressing that problem in this first Bill after the devolution of policing and justice powers and that we are actually working in tune with what is happening in many parts of Northern Ireland at the moment to bring things together.

I do not know whether Alan McFarland was quite right when he talked about DPPs being designed to "fly off". I am not sure to where they were designed to fly off. However, the structures that I am putting forward are certainly based on what I see happening as I go round and talk to people in different areas. In some council areas in Northern Ireland, there is a centralised partnership staffing arrangement whereby the DPP manager and the CSP manager is one and the same person, and that enhances the ability to work together. There are also some places where exactly the same group of councillors sits on each of the partnerships or where the same person is the chairperson on a year-by-year rotation.

The structures recognise the reality that the way in which those two partnerships have been set up to work is not ideal and is not meeting the needs of local communities. That is why I believe that there is clear agreement on the general direction of travel that we are proposing. It is in line with what I might call flexible evolution on the ground, unless I were to offend some members of the DUP by using the word "evolution". The reality is that both partnerships have evolved. We have seen changes, and that flexibility is what we are now seeking to build on.

Lord Empey: I thank the Minister for giving way. During the Committee's discussions, it became clear that one of the issues that is not necessarily addressed in the Bill, but which I hope can be addressed over time, is the sheer number and complexity of arrangements for involving the community. In addition to the proposals here, there are PACT arrangements at ward level, CPLCs and various other forms of community involvement in policing. Those arrangements not only involve high fuel consumption in respect of police time but are immensely complicated for an ordinary member of the public who wants to get their point across.

There are about four different routes. This compresses two of those, which is fine as far as it goes. However, does the Minister agree that much more clarity has to be brought

to the situation so that there is a simple, straightforward mechanism in place? All those things, including the PACT arrangements, mean that significant amounts of police time are spent attending meetings that we appear to be duplicating and triplicating, with the same people turning up at DPP meetings, PACT meetings and all the other meetings. Although what is proposed is fine as far as it goes and although I support the concept, this is unfinished business. I would like to hear the Minister's views on that.

6.30 pm

The Minister of Justice: I am not sure whether I am supposed to refer to him as Sir Reg or Lord Empey at this point, but the Member for East Belfast raises an interesting point. We are seeking to balance flexibility for local working with simplicity of structures. The issues around PACTs and CPLCs vary from one area to another, and, in many cases, within one policing area there will be different structures in different areas. The proposals in the Bill will provide the key underpinning partnership arrangements. Within that, there is an option for local solutions to meet very localised needs, which may continue to be through CPLCs or PACTs. That will be a decision for local people on the ground. That is entirely in keeping with my desire for flexibility, although I agree that it does not necessarily provide simplicity. However, if police see the benefits of engagement at a very local neighbourhood level, the last thing that I would wish to do is stop that engagement. I want to ensure that we provide the right structures for engagement at district council and police area level, and we have already highlighted some of the issues where that relates to difficulties in Belfast.

The other issue that might have been highlighted is how local councils will progress as regards community planning issues. What is proposed in the Bill for local policing and community safety partnerships is entirely compatible with the direction in which we may see community planning moving in future years. However, that could not be left waiting until the other aspects of community planning and local government reform were sorted out.

I turn initially to clause 34, which was where I finished and which the bulk of the conversation has concerned. It started with Lord Morrow raising the serious concerns of the Committee.

He also highlighted the concerns of other Departments and the Attorney General around what was originally proposed for clause 34. In a sense, it seems somewhat nugatory work to spend a lot of time this evening discussing clause 34 when, in a few moments, we will almost certainly not see it stand part. However, we have to be absolutely clear that the principle behind clause 34, if not the exact wording as currently appears, is strongly supported by a huge range of stakeholders, including councils, many of the local partnerships and, principally, the police and the Policing Board, although other Departments and the Attorney General have expressed their reservations about how it may operate.

Given the recent history of where the Department of Justice was until 11 April 2010, I am always cautious about drawing analogies with England and Wales. However, the reality is that similar legislation in England and Wales does not attract masses of litigation. In fact, the total amount of litigation that has happened in England and Wales under a duty similar to that in clause 34 could be counted on the thumbs of two hands or, possibly, the thumb of one hand. Although there are genuine concerns that the duty may lead to litigation, we need to check against the practical reality elsewhere. It is in that context that I seek to ensure that, by bringing clause 34 back and seeking revisions to it, we will have a replacement clause that will meet the legitimate concerns of some Departments. However, we cannot remove the fundamental duty to promote community safety from organisations that have a significant input to that.

A significant variety of views were expressed this evening across the Chamber, varying across a spectrum that is occupied by Alban Maginness and Paul Givan at one end and Basil McCrea and Stephen Farry at the other. I am not sure what that says about those combinations of Members or who is most embarrassed about that. However, as we develop a replacement clause, I am seeking to develop the balance between addressing the concerns that have been voiced and maintaining the principle of the duty as it was originally intended and as it is strongly supported, most particularly by the Police Service. In that sense, it is fairly analogous to some of the other responsibilities that Departments have. Every Department has a responsibility to rural-proof, but we do not hear about litigation on that every week. We need to

ensure that the duty is not excessively heavy and that it is focused on the areas where it is most relevant and most realistic. Nonetheless, there is a need for that duty.

If the vast majority of public bodies are carrying out their duty, as has been suggested, there should be no problem with the requirement to ensure that others live up to their responsibilities. It may also be the case that some bodies with regional responsibility are better in some areas than others because of personality issues. That is the sort of incentive needed to ensure that all bodies live up to best practice as seen elsewhere. We could look at that issue. However, as Alban Maginness highlighted, there is an issue of cost. This has not been costed, and he suggested that perhaps it could not be costed. That may well be the case. However, we cannot count the opportunity costs or the real cost to society if we fail to deal with community safety issues and end up following through with a vast amount of other costs as crime and antisocial behaviour grow. If we cannot find the right means of ensuring that we tackle issues before they become problems, we will end up paying huge costs.

Mr A Maginness: I understand what the Minister says, but he is putting it in stark terms as being between a public body that is carrying out a duty for the purposes of public safety and dealing with crime and antisocial behaviour. It is not a stark choice. Nobody is suggesting that any public body should not pay attention to and carry out its functions in trying to reduce crime and antisocial behaviour. The Minister is taking the wrong approach, and he is putting it in too stark a context. It is not a black-and-white situation.

The Minister of Justice: I thought that Mr Maginness was on the point of agreeing with me in saying that bodies were carrying out their duties having regard to community safety, but —

Mr A Maginness: Well, they are.

The Minister of Justice: If that is the case, it should not be a problem, but, by accepting that clause 34 will not proceed and that we will seek to carry something forward in a way that is entirely proportionate and meets the legitimate concerns that have been expressed, we have acknowledged that it is not actually black and white; there are shades of grey. However, much of the legislation that we make is concerned with shades of grey.

We will seek to ensure that we get a relevant and appropriate package of responsibilities. It may be more onerous on some Departments whose work is directly related to issues around crime and antisocial behaviour than to others, but I believe that that is the essence of ensuring that we get the partnerships to work well. We will ensure that we find the appropriate way of limiting the scope of the clause to the relevant bodies; of limiting exactly how it is applied; and of ensuring that we have proper clarification through guidance that could be used as a defence in legal matters. Those are the sorts of issues that we are looking at, and I am committed to ensuring that there is full consultation with other Departments as we move that forward. However, at the end of the day, we are debating a clause that we are proposing to delete. I hope that, at Further Consideration Stage, we will have a clause that satisfies all the concerns that have been expressed from both sides.

Lord Morrow and Carál Ní Chuilín both mentioned potential concerns about the complexity of some of the arrangements in Belfast, and I entirely acknowledge those complexities. Those are inherited in the sense of the existing pattern of DPPs in Belfast and the function of the current operation of the four police areas that operate in the city. I would be much happier if everywhere was as simple as Antrim or Newtownabbey, where there is a one-for-one arrangement, but that is not the way in which things currently work in Belfast. For that reason, we have been having significant discussions with Belfast city councillors. I had a meeting a couple of weeks ago with an all-party group, and we are continuing to work at official level to see what the opportunities are. If Ms Ní Chuilín or any Member wishes to suggest explicit proposals to simplify the structures for Belfast, I would be delighted to hear them at Further Consideration Stage. At the moment, we have the Department's best guess at the system that best meets the needs of the existing arrangements for DPPs and CSPs and allows us to move forward in a way that is consistent with what different parts of the House regard as the future necessities. However, let us see what opportunities there are. If we can simplify the structures, I am certainly open to that. I recognise that Belfast has a fairly unwieldy structure. We are seeking to improve how that works.

There was some debate about the designation of public bodies for inclusion in the partnerships. Lord Morrow described my approach as something of a halfway house. I suppose that, in a sense, it was a halfway house because it was an attempt to produce a compromise. I regret that we have not managed to reach a compromise on that point at this stage. It comes back to a point that I emphasised in my opening remarks on this group of amendments: flexibility has to be the key issue for ensuring that each PCSP works to the best of its ability in its area. That is why I want to give each partnership the opportunity to tailor its make-up as appropriate and to strike its own balance.

It is clear that some organisations will always be included in every partnership. It is inconceivable that the Police Service, the Housing Executive and the Probation Board will not be seen as key partners in each of the 26 districts and, indeed, in whatever subgroups there may be in Belfast. However, it is important that the partnerships retain a degree of autonomy, which is not what the amendment would provide. The Committee's preference for compiling a list of specified organisations, unless it is an extremely short list, risks undermining the principle of local flexibility. It would also undermine a key principle put forward by a number of Members, which is that elected members should have a degree of primacy. If we have an excessive number of specified other organisations, we will end up with elected members making up an even smaller proportion of the partnership than they otherwise would. At the moment, they are likely to be the largest group, but not a majority, in the partnership. The central designation of too many groups could lead to a large and unwieldy group in which the influence of local councillors would be reduced even further.

There are dangers in the Committee's recommendation that the process of designating or amending designations be made through the Assembly by affirmative action. It is my understanding that that is the how the process operates in England and Wales. At the risk of repeating the concern that I aired a few minutes ago, a system that does not work terribly well and has had its list of organisations continually amended through formal parliamentary procedure would not be a good idea for us. A greater degree of flexibility would be easier and would be better operated. That could be done through the informal compiling of a list by the

Policing Board and the Department rather than through the formalities of the full procedure that the Committee proposes.

The other area that probably attracted the greatest attention was the issue of the chairperson and vice-chairperson of the overall partnership. As I said, the arrangement for the policing committee is a four-party rotation, depending on the outcome of each set of local elections. As the policing committee carries forward the work that the DPPs have done up to now, I understand the importance of that rotation in recognising the democratic mandate. However, the focus of the overall partnership has to be on community safety, and the delivery of safer communities does not require the chairperson to have a specific electoral mandate. Many people play a part in community life. Many members of CSPs and independent members of DPPs play their part without an electoral mandate. I do not believe that we are really saying that councils will engage fully only if the chairperson has an electoral mandate. We see in DPPs and CSPs that independent members, elected members and those who represent other agencies can produce valuable contributions to the work of those partnerships. It is folly to suggest that an independent member, a local senior probation officer, a housing manager or a team leader from the Youth Justice Agency could not, in a year as chairperson, show that he or she could bring that partnership together in a slightly different way. The suggestion that councils may somehow withdraw from involvement in the partnerships if a councillor is not the chairperson is somewhat invalidated by what we see of the operation of the DPPs.

6.45 pm

Surely the divisions between parties that apply when the chairperson of a DPP rotates could produce just as much of a suggestion that people would be unhappy and might withdraw. Members must consider whether, by insisting on a councillor chairing the partnership as well as the policing committee, we are in danger of being seen to secure jobs for the boys — let us face it, it is mostly boys — who happen to be our political colleagues. I am not sure that the public want to see that. Such an approach insults, to a degree, others who participate in the two partnerships at the moment and will participate in the partnerships in the future.

It is unnecessary to require that the overall partnership always be chaired by a councillor. The key issue for councils must be the safety of local communities. I would expect councils to participate in delivering that, whoever is in the chair, given that the most votes being cast for the chairperson by any single group would be those from councillors. Therefore, the Committee's amendment No 51 is unnecessary, and I urge the House to reject it.

Question, That amendment No 8 be made, put and agreed to.

Clause 21, as amended, ordered to stand part of the Bill.

Clause 22 (Functions of DPCSP)

Amendment No 9 made: In page 18, line 21, at end insert

"and to consider fully any views so obtained". — [The Minister of Justice (Mr Ford).]

Clause 22, as amended, ordered to stand part of the Bill.

Clauses 23 to 33 ordered to stand part of the Bill.

Clause 34 disagreed to.

Clause 35 ordered to stand part of the Bill.

Clause 36 (Regulated matches)

Mr Deputy Speaker: We now come to the third group of amendments, which deal with the regulation of sports. With amendment No 10, it will be convenient to debate amendment Nos 11 to 26, 61 and 62 and opposition to clauses 41 to 43 and clause 45.

The Minister of Justice: I beg to move amendment No 10: In page 25, line 26, leave out paragraph (c).

The following amendments stood on the Marshalled List:

No 11: In page 25, line 29, at end insert

"(e) in Chapter 6, to a match to which any of the paragraphs of that Schedule applies." — [The Minister of Justice (Mr Ford).]

No 12: In page 25, line 32, leave out from "two hours before" to end of line and insert

"one hour before the start of the match or (if earlier) one hour". — [The Minister of Justice (Mr Ford).]

No 13: In page 25, line 34, leave out "one hour" and insert "30 minutes". — *[The Minister of Justice (Mr Ford).]*

No 14: In page 25, line 38, leave out "two hours" and insert "one hour". — *[The Minister of Justice (Mr Ford).]*

No 15: In page 25, line 39, leave out "one hour" and insert "30 minutes". — *[The Minister of Justice (Mr Ford).]*

No 16: In clause 37, page 26, line 8, leave out "anything" and insert

"any article to which this subsection applies". — [The Minister of Justice (Mr Ford).]

No 17: In clause 37, page 26, line 13, at end insert

"(1A) Subsection (1) applies to any article capable of causing injury to a person struck by it." — [The Minister of Justice (Mr Ford).]

No 18: In clause 38, page 26, line 22, leave out "an" and insert "a sectarian or". — *[The Minister of Justice (Mr Ford).]*

No 19: In clause 38, page 26, line 25, leave out "religious belief,". — *[The Minister of Justice (Mr Ford).]*

No 20: In clause 38, page 26, line 26, at end insert

"(3A) For the purposes of this section chanting is of a sectarian nature if it consists of or includes matter which is threatening, abusive or insulting to a person by reason of that person's religious belief or political opinion or to an individual as a member of such a group." — [The Minister of Justice (Mr Ford).]

No 21: In clause 44, page 28, line 32, leave out "or from". — *[The Minister of Justice (Mr Ford).]*

No 22: In clause 44, page 29, line 6, leave out subsection (5). — *[The Minister of Justice (Mr Ford).]*

No 23: In clause 44, page 29, line 15, leave out paragraph (c). — *[The Minister of Justice (Mr Ford).]*

No 24: In clause 49, page 33, line 6, after "up" insert "sectarian hatred or". — *[The Minister of Justice (Mr Ford).]*

No 25: In clause 49, page 33, line 8, leave out "religious belief,". — *[The Minister of Justice (Mr Ford).]*

No 26: In clause 49, page 33, line 14, leave out subsection (3) and insert

“(3) For the purposes of this section sectarian hatred is hatred against a group of persons defined by reference to religious belief or political opinion or against an individual as a member of such a group.” — [The Minister of Justice (Mr Ford).]

No 61: In schedule 3, page 81, line 7, leave out from “or” to end of line 9. — *[The Minister of Justice (Mr Ford).]*

No 62: In schedule 3, page 81, line 19, leave out from “or” to end of line 21. — *[The Minister of Justice (Mr Ford).]*

The Minister of Justice: I will describe how the package of sports law provisions will be adapted and applied. Amendment No 10 would remove clause 36(1)(c) and is purely consequential to my intention that clause 45, which covers ticket touting at football matches, should not stand part of the Bill. It would help if I explained my reasons for removing clause 45 and the effect that that has on the lead amendment.

At Committee Stage, members opposed the creation of provisions to combat ticket touting at football matches. They felt that there was little need for such powers, given the nature and attendance levels of our local games. They also felt that considerable confusion could be caused around the legitimate transfer of tickets to family or friends.

I had reservations about removing the provisions, because ticketing and crowd segregation needs to be managed for safety purposes at large international matches with full houses. Indeed, there have been such matches recently. With the assistance of the Minister of Culture, Arts and Leisure, I secured agreement from the IFA that ticketing arrangements would be reviewed by the association ahead of the 2011-12 season, with a view to improved arrangements. On that basis, I am satisfied that football match organisers will address any need to segregate fans, without the requirement of introducing a ticket touting offence. The Justice Committee supports the removal — I thank it for its advice and assistance on the provision — as does the IFA and football supporters. Amendment No 10, therefore, removes the reference to chapter 4 ticket touting and its connection to regulated matches.

Amendment No 11 inserts into clause 36 an appropriate reference to the provisions

of chapter 6, which deals with enforcement matters. The inclusion of chapter 6 in that way ensures that the sports provisions can be enforced appropriately by reference to powers given to the police in chapter 6. It is not a new policy, but it was omitted inadvertently from the Bill at its introduction and is now included for completeness.

Amendment No 12 is part of a small package with amendments Nos 13, 14 and 15 that together reduce the period during which the Bill's in-ground offences of missile throwing, chanting, pitch incursion and so on will apply. The Committee and stakeholders advised me that the period that was originally provided for — from two hours before a match until one hour after it — was unnecessarily long. In response, I now believe that a shorter period of one hour before a match until 30 minutes after it will, in practice, be long enough.

Amendment Nos 16 and 17 together pick up a helpful suggestion from the Committee about the offence of missile throwing at regulated matches. It sharpens the focus of the offence to be solely on throwing articles that have the capacity to injure someone. The amendments will, therefore, exclude relatively harmless items from the scope of the offence.

Amendment Nos 18, 19 and 20 are again a response to the Committee's views that the proposed offence in clause 38 to tackle offensive chanting should make specific reference to sectarianism. It had always been my intention that the new chanting offence would cover sectarian chanting. However, I very much agree with the Committee's suggestion that an explicit reference should be made in the relevant provision to sectarian chanting. Members will note that the proposed definition of the word “sectarian” reflects my view that, in this context, sectarianism is about matters that are hurtful on the basis of a person's religious beliefs or political opinion. A parallel adjustment on sectarianism is made to clause 49 by amendment Nos 24 to 26 to make it explicit that stirring up sectarian hatred is covered in the definition of disorder.

I will turn now to the three clauses that deal specifically with alcohol, namely clauses 41 to 43. The Chairperson of the Committee for Justice has given notice of the Committee's intention to oppose the inclusion of those three clauses. That would remove the offences

of being drunk, possessing certain drink containers or possessing alcohol on the terraces at a regulated match. The Committee agreed with me that alcohol at games should be controlled, but it did not agree that the clauses were the correct approach. It did not feel that new criminal law was needed but felt that clubs already regulate themselves and that the clauses could be unworkable.

Ulster Rugby had a particular concern about clause 43, which makes it an offence to have alcohol in a part of the ground from which the match may be directly viewed, except in private viewing facilities such as executive boxes and social clubs. In response, I tabled amendment No 46 to clause 107, the effect of which would be that, before clause 43 could be brought into operation, the Assembly would have to vote to approve the commencement Order. I will return to that during discussion of the group 6 amendments.

Although I have noted those concerns carefully, I remain strongly of the view that alcohol abuse can and does exacerbate crowd control problems inside grounds. The intoxication of supporters inside a ground can make a critical difference. I do not just mean in situations where rival fans are threatening disorder; I also mean emergency evacuations such as, for example, in the event of a fire or some other dangerous incident. So, I contend the importance of the retention of clauses 41 to 43, and I note that the Minister of Health, Social Services and Public Safety, Michael McGimpsey, and the Minister of Culture, Arts and Leisure, Nelson McCausland, agree with me on those points. However, I appreciate the different circumstances that apply to each sport as regards the availability of alcohol at matches. That is why I have agreed to consult fully with all concerned before any element of clause 43 is commenced and why I have tabled amendment No 46 to require a vote of the Assembly before a commencement could proceed.

Amendment Nos 21 to 23 apply to clause 44, which creates offences in connection with alcohol on vehicles. Again, the Justice Committee felt that the Bill went too far in controlling the possession of alcohol on the way both to and from matches in that way. Having also consulted Sport NI, I now agree that some relaxation of the original proposals for drink on vehicles is in order.

Members will recall that clause 44 addresses drinking on special buses en route to and from regulated sports matches. My amendments would limit the effect of the offences to journeys to matches by excluding journeys from matches. In addition, the proposed offence of being drunk on a relevant vehicle would be excluded from the Bill. The Committee supported those changes, as did the IFA and the football supporters.

Amendment Nos 61 and 62 reflect concerns that the proposed sports offences might apply to matches where crowd control difficulties should not be expected to occur. Schedule 3 sets out the particular sorts of matches to which the various offences and banning orders will apply. Paragraphs 6(b) and 8(b) (ii) of schedule 3 include rugby and Gaelic matches played at grounds that have a stand that requires a safety certificate under the Safety of Sports Grounds (Northern Ireland) Order 2006. I am now advised and I accept that such venues are very unlikely to pose crowd control difficulties that would require criminal sanctions. Therefore, the amendments would exclude matches at such venues from the list of regulated matches. Again, the Committee supported that adjustment.

I contend the importance of the retention of clauses 41 to 43 and the other alcohol-related clauses. However, I appreciate the different circumstances that apply to each sport regarding the availability of alcohol at matches. I repeat that that is why I agreed to consult fully with all concerned before any element of clause 43 is commenced, and that is why I tabled amendment No 46 to require a vote of the Assembly before commencement could proceed. That concludes the explanation of the third group of amendments.

The Chairperson of the Committee for Justice:

Part 4 of the Bill is designed to create a new package of powers in the area of sport and spectator law and applies specifically to football, GAA and rugby union. This part of the Bill raised fundamental issues and concerns for the Committee, and we made a series of recommendations for amendments, many of which the Minister agreed to take forward. The Committee will oppose the Question that three clauses stand part of the Bill.

On the first set of amendments, Nos 10 to 15, the Committee considered views that

were expressed in the evidence on the sports clauses, particularly the time period that would apply to regulated matches, and questioned the Department on whether the proposed period of two hours before and one hour after a match was excessively long. In light of the concerns that were raised on the issue, the Department informed the Committee that it proposed to make an amendment to reduce the period during which the powers would apply to regulated matches by half, to one hour before a match and 30 minutes after it. The Committee agreed that that is a more sensible and appropriate approach and supports amendment Nos 10 to 15.

Amendment Nos 16 and 17 relate to clause 37, which covers the throwing of missiles. The Committee believed that the wording that is used in the clause — “to throw anything” — was too wide and vague and could cover incidents such as a scarf or a cap being thrown. The Committee supported the provision on the basis that it enhances the current law and affords extra protection to players, officials and spectators but asked the Department to consider including the word “missile” in the clause to reflect properly what it is trying to achieve. Although the amendments do not include the word “missile”, the wording applies to any article that is capable of causing injury to a person who is struck by it, provides greater clarity around the intention of the clause and focuses on items that are likely to cause injury. Therefore, the Committee is content to support amendment Nos 16 and 17.

Amendment Nos 18, 19, 20, 24, 25 and 26 deal with sectarianism. All those amendments were tabled by the Minister following a recommendation by the Committee, and they have our full support. When the Committee considered clause 38, which relates to chanting at sporting events, it asked why sectarianism was not covered. Although the Department indicated that it was covered under the more general definition in clause 38, the Committee was of the view that, to send out the right message, it should be stated explicitly in the clause. The Department agreed to look at the possibility and, before the end of Committee Stage, advised the Committee that it was willing to table such an amendment.

The Department also proposed to make a similar amendment to clause 49, which deals

with banning orders for violence and disorder, and the Committee welcomes that development.

7.00 pm

Clause 44 deals with offences in connection with alcohol on vehicles travelling to regulated matches. The evidence indicated a divergence of views between the different sports. The Irish Football Association and the Amalgamation of Official Northern Ireland Supporters Clubs suggested that the offence of having alcohol on vehicles going to and from a match should be dropped, but the GAA welcomed the offence for people travelling to matches.

The Committee questioned the logic of including restrictions when travelling home from a match and had concerns about the necessity for the clause at all. In response to the Committee's concerns and taking account of the views of the sporting organisations, the Minister brought forward amendment Nos 21, 22 and 23, which remove entirely the offence of being drunk on a vehicle and restrict the clause to provide only for an offence of consuming alcohol on a specified vehicle for journeys to a designated match. There will be no restrictions on the way home. The Committee is satisfied that the amendments largely address the concerns that it had in relation to clause 44 and, therefore, will support them.

Clause 45 applies only to football. During the Committee evidence sessions, a question was posed regarding whether the provision was about ticket touting or whether it was about ensuring segregation of rival supporters. The Department subsequently informed the Committee that the Irish Football Association and the Amalgamation of Official Northern Ireland Supporters Clubs had made representation that controls on the sale of tickets and segregation of rival fans can be addressed adequately by the initiatives developed by the IFA, in conjunction with member clubs.

The IFA intends to review the way that tickets are distributed and sold for domestic games, with a view to implementing new regulations for the start of the 2011-12 season to ensure that clubs control and account for any tickets sold on their behalf. In the light of the IFA's suggestion that it can control the sale of tickets appropriately through self-regulation, the Department advised that it intended to withdraw the ticket-touting provision. The Committee

agrees that self-regulation is the best approach and supports the Minister's intention to oppose clause 45's standing part of the Bill.

In relation to amendment Nos 61 and 62, the GAA advised the Committee during the oral evidence sessions that it had asked for the designation of stands requiring a safety certificate, as outlined in schedule 3, to be reviewed as it widened the scope of the legislation too far. Following further consideration of the matter, the Department informed the Committee that it intended to remove sports grounds at which there is a stand requiring a safety certificate, thereby ensuring that the provisions apply only to matches at designated grounds. The Committee agrees that that is a sensible approach which will avoid applying the legislation to matches with relatively low or minimal attendances, and it supports amendment Nos 61 and 62.

I now want to turn to the three sports clauses that the Committee opposes. They are clause 41, which relates to being drunk at a regulated match; clause 42, which relates to possession of drink containers, etc; and clause 43, which relates to possession of alcohol. Let me be absolutely clear: in no way does the Committee condone an irresponsible attitude in relation to alcohol or bad behaviour at sporting grounds or events. However, the Committee remains unconvinced of the necessity for those three provisions and does not believe that the Department has presented a strong enough case to justify the need for further criminal offences, given the legislation and powers that are already in place.

The Committee is also of the view from the evidence received that if those offences are brought in, they are unlikely to be enforceable and will be impractical. The Committee does not wish to make legislation for legislation's sake and believes that the law already in place, together with self-regulation by the relevant sporting bodies, is the better approach to take. The Committee for Culture, Arts and Leisure reached a similar conclusion in respect of those clauses, questioning their necessity on the basis of existing legislation and regulation by sports governing bodies. It is interesting to note that the Minister is now willing to accept that self-regulation is the better approach to adopt in relation to ticket touting and is willing to drop clause 45, but is not willing to adopt a similar approach to these clauses.

I will now explain the Committee's position on each clause. Although the Committee does not disagree with the objective of clause 41, it is strongly of the view that the clause is unnecessary for two reasons. The first is that adequate legislation is already in place and enough powers are already available to deal with the situation. Moreover, three sporting organisations confirmed that procedures are already in place to refuse entry or to remove persons from their respective grounds if they behave in a drunken or disorderly way. The second reason is that the provision is unlikely to be enforceable. The fact is that the PSNI is in attendance at few sporting matches; therefore, reliance would be placed on stewards and volunteers to provide evidence. The Public Prosecution Service, in written evidence, indicated that clause 41 does not include a definition of drunkenness:

"Accordingly, an assessment of a defendant's condition is likely to be open to challenge on a number of grounds, including that such assessment is subjective and wrong",

It could be difficult in certain circumstances to satisfy the test for prosecution to prove the commission of an offence to the requisite criminal standard, namely "beyond reasonable doubt". The Committee does not accept the Department's argument that the clause is required as current law may not be sufficient to deal with someone who is drunk in a sports ground. Therefore, it agreed to reject the clause in its entirety.

The Committee also has strong reservations about clause 42, which relates to the possession of drinks containers, etc, and whether it is necessary. Having discussed it with the Department, the Committee is of the view that it would be very difficult to enforce and impractical to work. The provision aims to prevent drinks containers being thrown or used as weapons by creating a criminal offence of being in possession of a disposable bottle, can, etc. Although the intention is laudable, when pressed on how the provision would work in practice, the Department confirmed that, in its view, other items such as flasks and babies' bottles, which would not be considered as likely to be discarded, could be allowed in at clubs' discretion. It was the Committee's view that those items could do as much, if not more, damage if thrown than articles that are covered by clause 42.

Confirmation was also provided that in many instances, for safety reasons, sports clubs already removed drinks containers from spectators entering a ground under their own regulations. The Committee is of the view that self-regulation by sporting organisations in that area is preferable to creating more criminal offences. It remains unconvinced of either the need for clause 42 or, if it were to be adopted, the enforceability of it.

The Committee has serious reservations about the necessity of clause 43. No evidence was presented to the Committee to suggest that that issue was causing a significant difficulty or seriously disrupting the many sporting events that thousands of sports fans attend regularly and which are ably managed by sporting organisations themselves. However, serious issues about the implications of the clause, particularly with regard to rugby, were brought to the Committee's attention.

The Committee is of the view that the provision is unnecessary as evidence has not been produced to show that there is a problem that needs to be addressed. The Committee is concerned that varying the application of the provision to the different sports, as proposed by the Department, could be discriminatory and does not view that as a reasonable or sustainable approach. The Minister either believes that there is a need for the clause, in which case he should put forward an argument that it should apply to all three sports immediately, or he does not believe that there is a need for it in any or all of the three sports, in which case he should not bring forward the legislative proposal at all.

It is the Committee's view that the provision will have implications for the future financial viability of Ulster Rugby and, with regard to rugby and GAA, is inconsistent with legislation elsewhere in the UK and Europe. The punishment of three months' imprisonment for possession of alcohol also appears unfair, given that the fine for being drunk is only £1,000. Since completion of the Committee Stage of the Bill, the Committee has received further correspondence from Ulster Rugby that makes it clear that it wants rugby to be removed from clause 43 entirely.

Ulster Rugby is not content with the Minister's proposed approach of relying on a commencement Order by way of affirmative procedure, despite indications to the contrary

by departmental officials when the Committee was considering the clause, and it believes that rugby's inclusion in the legislation will seriously impact on its commercial viability.

The Committee for Justice does not support the creation of criminal offences where a need has not been justified and wishes to avoid creating legislation for legislation's sake, particularly when self-regulation by the relevant sporting bodies is preferable and satisfactory. The Committee is at a loss as to why the Department wishes to introduce the clause, particularly when the sporting bodies did not identify a need for it.

The Committee does not condone bad behaviour in any shape or fashion at sporting events. However, clauses 41, 42 and 43 are unnecessary, unenforceable and impractical. The Committee seeks the support of Members in opposing them.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. As this is the first occasion that I have spoken today on the Bill, may I join in the comments that have been made about the work that Committee staff and departmental staff have done on the Bill.

Before I go into the details on the clauses and amendments that we are discussing, I want to say that this chapter of the Bill reflects a piece of very good work by the Committee, not only with regard to how it scrutinised each of the clauses, but in respect of the principles of criminal legislation and why the Assembly should be adopting criminal legislation.

As was pointed out in the Chairperson's address, a number of the clauses in the Bill are either unworkable or unnecessary. It was said on several occasions in the Committee that we did not see ourselves rubber-stamping unnecessary or unworkable criminal legislation. That is a good message to send out to the Department of Justice. There is no point in bringing forward legislation for the sake of bringing it forward, because the Committee will seek to endorse only legislation that is necessary.

We also have to remember that these clauses refer to sporting events, where, on most occasions, the majority of spectators go on a weekly basis, enjoy the game, enjoy the atmosphere on the terraces and go home with no trouble taking place. From that point of

view, one has to be reluctant about bringing in criminal legislation governing those aspects.

I accept that there are certain issues that need to be tidied up in the legislation. On many occasions, the departmental officials reminded us that, in 2007, the Assembly voted for the adoption of legislation from England. Most of the Justice Bill flows from that legislation. If I were voting on the legislation from England again, I certainly would not be voting in favour of it. With age, comes wisdom and experience. I am not sure that the simple adoption of legislation from England or elsewhere is necessary or will always work in our circumstances.

I move now to the amendments. I welcome the fact that the Minister and the Department recognise the concerns raised by the GAA in relation to the definition of a regulated match. The dialogue between the sporting codes and the Department, on evidence, has been very good, and the Department certainly was in listening mode when that evidence came forward.

We support and acknowledge the Department's amendment in relation to the throwing of missiles.

The issue of chanting called for much deliberation at our Committee meetings and when evidence was being given, not only by the sporting codes, but, in particular, by the Human Rights Commission. I think that the Human Rights Commission helped move the debate on in respect of how sectarianism, in particular, could be defined in law. I welcome the fact that we have, for the first time, I think, defined sectarianism in domestic legislation and specified how someone could be found guilty of practising a sectarian chant or being involved in a sectarian event. That is welcome.

There may be some read-across to legislation in relation to parades that never made it to the Chamber, but the fact that we have managed to define sectarianism in legislation is welcome.

7.15 pm

Clause 39, which relates to going on to the playing area — the pitch invasion — still causes concern. That is one of those areas where we have to be careful about how we legislate. We certainly accept and acknowledge the fact that all three codes are keen to see that clause adopted, because they do have concerns about public safety and safety in their sports grounds.

However, the question we have to ask ourselves is whether we want to make it a criminal offence for someone to go on to a pitch during a celebratory pitch invasion, which has been a part of sporting events down through the ages. That is a question that still hangs over clause 39. We could be criminalising people for getting involved in such activities. Anyone who goes on to a pitch to cause harm to the players or officials or to offend them certainly needs to be dealt with, but they can be dealt with through other legislation. Indeed, the three codes have shown that they can be robust in dealing with any of their supporters who are involved in pitch invasions. The IFA referred to a case involving a group that I refer to as the "Coleraine three", who were involved in a pitch invasion and assaulted one of the officials. They were banned from that ground, and, I believe, every other ground, for life. The codes have shown that, without the need for criminal legislation, they can certainly deal with anyone who is involved in unsavoury behaviour.

I will move to the alcohol regulations around matches, which has been the cause of much debate in the media and in Committee. It is certainly not the case that members of the Justice Committee are party animals and that we wish to see drinking on each and every occasion, but those are the clauses that I refer to when talking about workable legislation and necessary legislation. Of the provisions in those three clauses, some are unworkable and the rest are unnecessary. Indeed, I put the question to a senior PSNI officer when he was in front of the Committee about being drunk at a match or outside a ground. I told the officer that he currently had legislation that can deal with that, and he agreed, but he said that, if the Assembly wished to give the police further legislative powers, they would take them, and he referred to it as a case of crossing the t's and dotting the i's. However, I do not think it is the role of the Assembly to simply create legislation for the police to take on board and use on some occasion.

The effort that was made to describe a drinks container for inclusion in clause 42 was farcical at some levels and a waste of valuable time at another level. Questions were raised about the possession of alcohol in the grounds; indeed, about the whole issue of alcohol. It is certainly abused in our society. It is responsible for a lot of petty crime and, indeed, more serious crime in our society. However, I think it is wrong

to punish everyone, because some people act responsibly around alcohol and with the consumption of alcohol. The message we should be sending out is that there needs to be responsibility around alcohol; there does not need to be a complete ban on alcohol.

At the rugby matches the weekend before last, when the television cameras spanned across the crowd, you could see people sitting enjoying a drink of alcohol. There was no crowd trouble, disturbances or any such behaviour. That does not necessarily apply only to rugby. It can apply to the other two codes as well, because, thankfully, we do have a pretty good record when it comes to crowd control and crowd behaviour in our sports grounds. If people can consume alcohol responsibly, it is a good thing.

The soccer and GAA representatives informed the Committee that they do not allow alcohol into their stands or near the pitches. They control that through their stewards and through a voluntary code and, to date, there has been no necessity from their point of view — maybe I am misquoting them, but I do not think I am — to bring in legislation that would see a complete banning of it.

I am sometimes of the view that sporting codes in particular do not wish to offend government, and will support clauses that are brought forward by government because they think that is the right thing to do. However, I certainly think the Committee has made the right decision in planning to vote against clauses 41 to 43.

There was much debate about possession of alcohol when travelling to regulated matches. Sinn Féin can support the amendment to allow alcohol on buses travelling from matches. The GAA and all sports raised the issue of alcohol on buses going to matches. I have no difficulty with alcohol being banned on buses going to matches. The more that we encourage young families and people of all ages to travel to matches, that is all for the good. I forget the exact phrase that the GAA used: it was “party buses” or “booze buses”, which is not helpful to anyone.

Another aspect that we will certainly not vote against but want to raise an air of concern about is banning orders. Banning orders are used in exceptional circumstances. They are to be used against people involved in serious assault and behaviour. I welcome the fact that they will also be used against those involved

in sectarian activity. However, placing such rigid restrictions on the movements of an individual has to be a cause for concern. We seek assurances from the Minister that such orders will be used in only the most exceptional circumstances. It is not a question of banning people from only a sports ground; those orders can restrict people’s movements in and out of their homes on the day of a match. We have to be very cautious about that.

As I said earlier, the IFA has shown that it can take stringent measures against anyone involved in unsavoury behaviour around its grounds, and it has done so. Although we will not be voting against banning orders, there has to be an air of caution about such legislation, and I would like clarification from the Minister about the circumstances in which those orders will be used.

Mr Elliott: I put on record, first, that I condemn all unruly behaviour at any sports event. I also put on record my membership of Ballinamallard United Football Club, which did so well last night and got through to the quarter finals of the Bass Irish Cup, although I think that the name has changed now. I am sure that all Members will welcome that win.

(Mr Speaker in the Chair)

I have concerns about these amendments and some of the clauses. I am also concerned, and other Members alluded to this, that some of the proposed legislation seems to have been just lifted from legislation in England and Wales and dumped into the Northern Ireland Bill. We need to see some effective legislation here. I want to see, and Mr O’Dowd referred to it, provisions that are practical and reasonable. This is about sports; it is about people enjoying themselves and doing what is right but leaving it so that it is enjoyable for those who want to go and enjoy it and dealing properly with thugs who are there to destroy it for everyone else.

Attendance at sports grounds in Northern Ireland is generally on a much smaller scale than that in other parts of the UK. We must recognise that and recognise the consequences for some of the smaller clubs. It is a huge financial burden and will just put some of them out of business, and we do not want to do that. We want to encourage sports facilities, events and structures in the community because that is good for everyone. The IFA, in particular, has made a commitment on ticketing. The Minister

agreed to that aspect of the Bill and I am pleased about that.

Clause 36 outlines what constitutes a regulated match. Amendment Nos 12 to 15 reduce the period before a match from two hours to one hour and the period after a match from one hour to 30 minutes. I sometimes question all those timescales, particularly the change from one hour to 30 minutes after a match because, and I commented on this last week, celebrations following a GAA match in Fermanagh went on for about three days, when people were still causing some disruption and difficulties in the local town. I appreciate that fans have a right to celebrate, but they do not have a right to create disturbance and annoyance for the people who live in those towns and villages.

We welcome the amendment, as the clause was particularly draconian.

Amendment Nos 16 and 17 attempt to improve clause 37, which deals with the throwing of missiles. Sometimes, when I watch sports matches, I wonder whether some of the players could be charged with that offence because some of their playmaking is not the best. We want to cut out the throwing of any dangerous missiles or the causing of injury or harm to anybody on a sports field.

Mr Weir: The Member mentioned the aim of some players. Does he take some comfort from the fact that he was not at the game between the Assembly and Belfast Deaf United? That match might have reinforced some of his concerns.

Mr Elliott: I am not sure whether the Member for North Down is declaring an interest as one of the leading players in that match.

Amendment Nos 18, 19 and 20 deal with the introduction of a definition of chanting of a sectarian nature. That gives the Ulster Unionist Party some serious concerns. Mr O'Dowd said that he is pleased that we are giving a definition of sectarian chanting, but giving a definition without it being properly thought out and worked through is a very dangerous precedent to set. The Ulster Unionist Party will not be supporting the measure, simply because it gives too wide a remit. I am happy to support looking at clearly defining chanting of a sectarian nature, but it must be much better regulated and much more clearly thought out and discussed.

The Minister of Justice: If the Member is suggesting that he has problems with the definition of sectarianism that is included in the Bill, he should give some thought as to how he would improve it.

Mr Elliott: We are quite happy to do what he suggests. However, to bring that in at this stage as an amendment to the Bill would be much too late. We need to have a much fuller discussion on the issue.

Mr McDevitt: Will Mr Elliott acknowledge that the issue of defining sectarianism in the Bill has been raised at every stage since its Second Stage? It has been raised at every Question Time with the Minister of Justice since the Bill's Second Stage. The issue was debated at some length in Committee. The amendment with the definition is far from a knee-jerk reaction. In fact, it is one of the longest-fermenting amendments before us today.

Mr Elliott: There is an amendment that we are not supporting. That amendment has come at a very late stage. I am quite happy to negotiate and discuss the definition with the Member and his party, and other Members, to see if we can get a proper resolution to the matter.

This is a similar problem to the one that arose during the debates on the then Racial and Religious Hatred Bill, which passed through Westminster in 2005. We want to ensure that we do not create an animal that we find difficult to control down the line. If we set the precedent now, it will be used in legal terms for many other activities and in many other pieces of legislation and in the courts for many years to come. So, we need to make sure that, whatever we do, we get it right at this stage. We need to ensure that we do a proper analysis and have greater discussion on the issue.

Mr McCartney: Does the Member not highlight the need for a definition by saying that the issue has been around since at least 2005? It is now 2011. As has been pointed out, throughout the Committee Stage every option was discussed. The Committee wanted a definition of sectarianism included to ensure that the legislation has some teeth and some strength.

Mr Elliott: What we were talking about in 2005 at Westminster was the Racial and Religious Hatred Bill. I am happy to say that we need to define sectarian hatred, but this is not the proper Bill to do that in, particularly in clauses

that affect sports clubs and sports events. We need to get a definition that applies on a much wider basis.

It is probably such a serious matter that it needs a separate piece of legislation. We failed on this issue by lumping it in with the Justice Bill, and in doing so, we went outside the remit of the Bill.

The Ulster Unionist Party will support the opposition to clauses 41, 42 and 43. The party is happy to give credence to the thought processes of the sports bodies that made representations on the Bill, to see whether we can make the legislation better.

7.30 pm

Mr McDevitt: On the third group of amendments, we welcome the tidying up of clause 36. The amendments that were tabled arise from practical and positive engagement with the sporting bodies and the other feedback that the Committee received during its consultation. Those amendments reflect a common-sense approach to the timescales in particular, such as when it would be right to start regulated periods and so forth.

As colleagues from other parties have already noted, the Committee was exercised about the definition of the term “missile”. Committee members felt that for the legislation to have meaning, the term “missile” needed to be more properly defined, to allow people to understand exactly what would constitute an offence. To that extent, the Committee welcomed the amendment to clause 37.

Clause 38 deals with the potential offence of chanting. As drafted, that clause did what legislation has done for a good few years in this part of the world: it talked about the elephant without mentioning it. Clause 38(3) (b), in defining the type of chanting that would constitute an offence, states that:

“it consists of or includes matter which is threatening, abusive or insulting to a person by reason of that person’s colour, race, nationality (including citizenship), ethnic or national origins, religious belief, sexual orientation or disability.”

That is the old section 75 list, as we now call it in the post-Good Friday Agreement North. Why could we not just call a spade a spade?

Mr McCartney made a fair point. For a long time, we have known that there is a type of behaviour that all Members find highly objectionable. It is a type of behaviour that, unfortunately, is pretty unique to here and a few other parts of the world. It is sectarian behaviour, and it is corrosive, pervasive and highly damaging. We have the opportunity to legislate to make sectarian behaviour wrong, and I think that there is a great duty on us to take that opportunity. I welcome the fact that when I first raised the matter during the Bill’s Second Stage, the Minister was open-minded about the possibility of looking at how that issue could be addressed. From my membership of the Committee and from answers that were provided to me on the Floor of the House over the past seven or so months, I know that there has been a concerted effort in the Department and across the parties to try to understand what we mean by sectarian behaviour.

Mr Elliott: Will the Member give way?

Mr K Robinson: Will the Member give way?

Mr McDevitt: I will give way to Mr Elliott.

Mr K Robinson: I will pull rank on the leader of the party if he does not mind. *[Laughter.]* It is OK Tom; you will be back later.

What the Member is saying concerns me. We seem to be straying away from dealing with offences in sports grounds and moving towards some form of social engineering. I thought that we were dealing with offences and alleged offences, some of which are overemphasised. For example, I believe that only one person is currently suffering from a football banning order here, yet we are discussing legislating on such orders. I am concerned that we are engaging in a process of social engineering, rather than addressing problems that may affect different sports.

I want to be sure that I am not helping to criminalise a young person who, in the heat, excitement and emotion of a football, Gaelic or rugby game, gets carried away and finds himself falling foul in one of the ways that we are discussing today.

Mr McDevitt: I appreciate the intervention. The Member raises two issues. The first is the question of social engineering. However this is conceived, I do not see how it could constitute social engineering. On a more substantial point,

what is the point of law? Why do we make law? What is it for? In my mind and, I expect, in the mind of colleagues, part of what we try to do when we legislate is to set norms for society. Yes, we can create offences. We can say that if people cross the line, there will be a penalty and that they can expect to suffer the consequences of crossing that line. However, we do not do so in the expectation that many hundreds of thousands of people will want to cross that line. We do it in the expectation that crossing that line will be seen as outside the norm and as a form of behaviour that is not acceptable not only in a statutory sense but in a societal and cultural sense.

Sectarianism in sport is unacceptable in this society, and I want to acknowledge the huge efforts made by the GAA and Ulster Rugby to tackle sectarianism within their codes. However, I particularly want to acknowledge the work that has gone on at leadership level in the Irish Football Association. It is absolutely the case that, throughout our history, there has been —

Mr Humphrey: I thank the Member for giving way. He raises the issue of the Irish Football Association. Mr Robinson referred to the fact that one Northern Ireland supporter was banned for his behaviour at the recent game in Dublin, and correctly so. Unlike the Chairperson of the Committee for Culture, Arts and Leisure who took a cheap shot at Northern Ireland supporters, does the Member agree that Northern Ireland supporters are officially recognised as the best-behaved supporters in Europe by UEFA, the governing body of European football?

Mr McDevitt: I am happy to acknowledge Mr Humphrey's very good point. Irrespective of what constitutional allegiance we choose to hold, all of us, if we are genuine football men and women, will acknowledge that nothing makes football more beautiful than a wonderful crowd and a passionate support. However, we also need to accept that people can be passionate about their football and true in their support while staying within some basic parameters.

Dr Farry: Does the Member agree that the fundamental issue is not so much whether we seek to extend the provision to sectarianism, but simply the fact that, in other jurisdictions, including England and Wales, racial chanting is clearly seen as unacceptable? The issue at stake here is not one of social engineering,

but one of extending the notion of what racist behaviour is deemed unacceptable to other situations that reflect our circumstances. We still have problems with sectarianism, and we need to find a way of codifying that rather than stretching out into any new territory.

Mr McDevitt: I entirely agree with Mr Farry. The point is that sectarianism is present in sport, and there is a statutory duty on us to support all the efforts that are going on at club level, no matter what the code, and at association level to codify — set down in law — what we believe to be acceptable or not.

Mr B McCrea: The Member is generous in giving way. He will notice that I wear with pride my 'Unite against Hate' badge. He knows the issues that have been raised. We want to deal with codifying. When I read the amendment, I cannot believe that the definition will include "or political opinion". If what the Member is talking about becomes the norm and becomes pervasive in our society, many Members will not be able to make a speech — Alex Maskey will be the first. We must be careful about the norms that we set. We are absolutely against sectarianism and we want to codify it, but we are unhappy with the amendment as currently set out, because we think that it will be pervasive.

I am curious: I have not yet heard the Member state whether he will support or reject amendment No 20.

Mr McDevitt: I will stand corrected if I am wrong, but the only occasion in which players make speeches in sport in our region is at Ulster GAA championships. So, unless Mr McCrea has found himself a position on the Down team, and hopes very much to lift the Ulster Championship cup next summer, I cannot see how he can ever find himself in a situation where he has to make a speech that could find him on the wrong side of this law.

Mr McFarland: Will the Member give way?

Mr McDevitt: I will in a second.

I do not expect him, or any Member, to go into a sporting ground as a spectator and engage in something that would constitute sectarian chanting. That would be a great discredit to the House, to all of us and to our society.

Mr McFarland: I thank the Member for giving way and I am sorry for further taking up his

time. Does he recall Mr O'Dowd's earlier remarks? He said that the great benefit of this definition is that it replicated one that was in the Draft Public Assemblies, Parades and Protests Bill that fell, and that the benefit is that this will now put on the statute book a definition of sectarianism that can be taken into other fields.

Mr McCrea has an issue here. I have no problem with the religious element of it, but if this is to be used as a template, and it includes "political opinion", then there are issues that the Committee for Justice needs to re-examine.

Mr McDevitt: I thank the Member for his intervention. Maybe I could get to make a couple of points now?

I did not hear Mr O'Dowd reference his definition back to the Draft Public Assemblies, Parades and Protests Bill, but the Member is correct. This is a definition that appeared in that draft Bill. For the record, and I hope that I do not accidentally insult colleagues in the DUP or Sinn Féin, that definition was not the product of some partisan negotiation but had been worked up through official channels and had been considered and thought about for some time. If Members refer to the academic work done in the past decade on the definition of sectarianism in the Northern Irish context, they will come to the fact that sectarianism is a dangerous cocktail of religious and political prejudice. That theme emerges again and again.

Mr B McCrea: Will the Member give way?

Mr McDevitt: This is the last time I will give way to Mr McCrea. He had better use his time well.

Mr B McCrea: I am grateful to the Member. The point, as Mr McFarland so eloquently put it, is that we are setting precedent here. You are defining sectarianism as someone who holds political opinion. This is a political Chamber and a political society. Is the Member aware that when the Racial and Religious Hatred Bill hit the buffers in 2005, it was beaten by 260 votes to 211? MPs replaced the text put forward, severely limited its scope and added safeguards for free speech. The most fundamental thing that we are defending here is free speech. I cannot believe that we can contemplate something that will restrict the ability of people to express a legitimate opinion and I do not think that doing so is sectarian. I will not agree to a template that will become pervasive. It is that point that we wish to address.

Mr McDevitt: This is fundamentally about addressing a societal norm. When racism, sexism or, in recent times, ageism, or any other potential prejudice, is first defined we always come across having to shift what is acceptable or considered OK at a certain point in social history to being unacceptable. The amendment does not in any way fetter freedom of speech. It puts certain rights and duties on the individual in the exercise of freedom of speech.

Mr O'Dowd: Will the Member give way?

7.45 pm

Mr McDevitt: I will in a second Mr O'Dowd.

It says that if you wish to exercise freedom of speech and to express your opinions with pride and power, do so in a way that is not:

"threatening, abusive or insulting ... by reason of that person's religious belief or political opinion or to an individual as a member of such a group."

It is simply not the case. If we wanted, we could spend all night debating this subject, but ample precedents that use similar templates to create norms have been set all over the world. I will give way to Mr O'Dowd shortly, but, in the specific context of chanting at sports grounds, which is all that we are debating, I think that the big decision that we have to make tonight is whether we want to set a standard that will send out what I think will be one of the most positive signals that we could send in this Assembly mandate.

Mr O'Dowd: I thank the Member for giving way, and I want to intervene on that point. We have spent a long time debating the definition of the word "sectarianism". However, we need to debate the definition of the word "chanting". That definition is set out in the explanatory and financial memorandum, which states:

"Chanting is defined as the repeated uttering of any words or sounds (whether alone or in concert with one or more others)."

Mr Ken Robinson described how young people could witness a bad foul or what was, in their opinion, a poor refereeing decision, and they could shout something that they would not normally shout. They should not do that, but, in that circumstance, they would not be creating an offence. However, they certainly would be offending if they started to chant or became involved in an offensive crowd chant.

I made some remarks about the parades Bill. Each piece of legislation has to be taken on its own merits, and where it will be used has to be considered. People certainly have the right to freedom of speech, and we should protect that.

Mr McDevitt: I thank Mr O'Dowd for that intervention. His point about chanting is important. The point is that chanting is the aggressive repetition of a word, and that is the difference between a chant and an utterance.

Mr Elliott: Will the Member give way?

Dr Farry: Will the Member give way?

Mr McDevitt: Two Members would like to intervene, but I will give way to Mr Elliott first, because he was not given a chance to intervene earlier.

Mr Elliott: I thank the Member for being so generous again. Given what he said, does that mean that if I were to watch him play his football, Gaelic or rugby match, and I — *[Interruption.]*

Mr Speaker: Order.

Mr B McCrea: On a point of order, Mr Speaker. I want to know whether that was sectarian chanting coming from the Front Bench.

Mr Speaker: Order.

Mr Elliott: If I were to watch Mr McDevitt play his soccer, rugby or Gaelic match, and I continually shouted, "SDLP fool! SDLP fool!" — *[Interruption.]*

Mr Speaker: Allow the Member to be heard.

Mr Elliott: Even though those words may be correct, could I be described as causing an offence by stating my political opinion?

Mr McDevitt: I am happy to give way to Dr Farry before I respond to Mr Elliott.

Dr Farry: I thank Mr McDevitt for giving way. I also acknowledge the fact that Mr Elliott is at least contemplating watching a Gaelic match, so progress is being made. Mr McDevitt's initial comments and then Mr O'Dowd's made me think that we are beginning to crystallise this issue. Will Mr McDevitt confirm that it is not about trying to re-engineer massively society's views on sectarianism or to outlaw people's opinions or expressions? Will he also confirm that we are instead talking about how we deal

with spectator control at regulated sporting events and that we are discussing a very narrow issue?

Further to Mr O'Dowd's point about the definition of the word "chanting", is it also right that we acknowledge that the reason why we are creating this offence is to ensure that there is proper crowd control at regulated matches, which, in themselves, are narrowly defined? Should we not prevent a situation in which we either have to consider the potential need for crowd control or, more importantly, the potential that a chill factor might emerge in shared sporting events, thereby discouraging certain sections of the community from going to events and enjoying sport?

Mr McDevitt: As far as I am aware, we are debating the Justice Bill, and the Part that we are discussing deals with —

Mr Speaker: I remind the Member who is on his feet, as I do all Members, that this sitting will be suspended at 8.00 pm.

Mr McDevitt: Is it in order for me to draw the attention of the House to the fact that I, apparently, gave way too often last week? Therefore, Mr Speaker, I am not going to incur your wrath for a second time in a week by giving way too often again.

The question is whether the House wants to make sectarian chanting at sports grounds wrong. My mind is absolutely clear on that issue. I believe that it is high time that we did that. By doing so, we would set a very important precedent in this specific area of law. Let the conversations continue on their merits in the future about other pieces of law. Those conversations are not for tonight, Mr Speaker. Tonight is about asking the basic question of whether it is time for us to call the elephant by its name at a sports ground. I believe that it is, and, for that reason, we will support the amendments to clause 38.

The Chairperson of the Committee for Justice:

I thank the Member for giving way, even at this late hour, knowing that time is not on our side this evening. I suspect that if he is not finished this evening, he will get finishing tomorrow some time, and rightly so.

I have not heard anyone in the debate say that they believe in the merits of sectarianism. Not one Member has said that. I have, however, heard Members ask about the wording of the definition of sectarianism. I suspect that the

Member will be equally concerned that, in fact, that aspect of it is right. It is not that anyone in the House has intimated that they believe that sectarianism is a good thing; nobody is saying that. What we are saying, however, is, let us get it right, and not have something that comes back to bite us somewhere down the road.

Mr McDevitt: Lord Morrow, as an MLA and as Chairperson of the Justice Committee, makes a very important point. However, the time has come for us to take our first step on this issue, and we should do that during the passage of this Bill. If we do not do that, it will become the type of issue that, all too often in this part of the world, gets parked in a siding, never to be dealt with. For that reason, from my personal perspective, the definition that is in front of us is as good a start as any.

Like colleagues, I will not spend too long rehearsing the arguments about clauses 41 to 43. We do not feel that they provide practical solutions to problems that, to the absolute credit of all the major sporting organisations, are being managed within the law as it stands today. If those associations returned to us with an absolute plea, saying that there were major legal gaps, I for one would be open-minded, and I am sure that the SDLP would be too.

I will make a specific comment about clause 44, which concerns drinking in vehicles on the way to or from matches. I am all for our making it improper and wrong to drink on the way to a game, no matter what the game. I do not believe that people can enjoy a sporting game if they arrive tanked up. However, as a long-frustrated Dublin fan living in this part of Ireland, who often faces a long journey home after a very depressing result at some stage in the summer at the hands of a team representing one of the great counties that elects this House, I reserve my right to have a couple of beers and to be driven home in consolation and depression. The amendment will allow us all to be able to continue to do that, which is proper order. On that note, I will conclude for now.

Mr Speaker: Order. It is obvious that the business on the Order Paper has not been disposed of by 8.00 pm. In line with the arrangement that was agreed by the Business Committee, the sitting is, by leave, suspended until 10.30 am tomorrow, when we will return to the third group of amendments to the Justice Bill.

The sitting was suspended at 7.54 pm.

Northern Ireland Assembly

Wednesday 23 February 2011

*The sitting begun and suspended on Tuesday 22 February 2011 was resumed at 10.30 am
(Mr Speaker in the Chair).*

Members observed two minutes' silence.

Assembly Business

Mr O'Dowd: On a point of order, Mr Speaker. I ask you to examine the Hansard report of yesterday's sitting and establish whether comments made during matters of the day by Mr Cobain in relation to my colleague Mr Kelly were appropriate and within the standards that you, as the Speaker, and Standing Orders expect of Members in the House.

Mr Speaker: I thank the Member for his point of order. I will look at Hansard and come back either to the Member directly or to the House.

Executive Committee Business

Justice Bill: Consideration Stage

Clause 36 (*Regulated matches*)

Debate resumed on amendment Nos 10 to 26 and amendment Nos 61 and 62, which amendments were:

No 10: In page 25, line 26, leave out paragraph (c). — [*The Minister of Justice (Mr Ford).*]

No 11: In page 25, line 29, at end insert

"(e) in Chapter 6, to a match to which any of the paragraphs of that Schedule applies." — [The Minister of Justice (Mr Ford).]

No 12: In page 25, line 32, leave out from "two hours before" to end of line and insert

"one hour before the start of the match or (if earlier) one hour". — [The Minister of Justice (Mr Ford).]

No 13: In page 25, line 34, leave out "one hour" and insert "30 minutes". — [*The Minister of Justice (Mr Ford).*]

No 14: In page 25, line 38, leave out "two hours" and insert "one hour". — [*The Minister of Justice (Mr Ford).*]

No 15: In page 25, line 39, leave out "one hour" and insert "30 minutes". — [*The Minister of Justice (Mr Ford).*]

No 16: In clause 37, page 26, line 8, leave out "anything" and insert

"any article to which this subsection applies". — [The Minister of Justice (Mr Ford).]

No 17: In clause 37, page 26, line 13, at end insert

“(1A) Subsection (1) applies to any article capable of causing injury to a person struck by it.” — [The Minister of Justice (Mr Ford).]

No 18: In clause 38, page 26, line 22, leave out “an” and insert “a sectarian or”. — *[The Minister of Justice (Mr Ford).]*

No 19: In clause 38, page 26, line 25, leave out “religious belief,”. — *[The Minister of Justice (Mr Ford).]*

No 20: In clause 38, page 26, line 26, at end insert

“(3A) For the purposes of this section chanting is of a sectarian nature if it consists of or includes matter which is threatening, abusive or insulting to a person by reason of that person’s religious belief or political opinion or to an individual as a member of such a group.” — [The Minister of Justice (Mr Ford).]

No 21: In clause 44, page 28, line 32, leave out “or from”. — *[The Minister of Justice (Mr Ford).]*

No 22: In clause 44, page 29, line 6, leave out subsection (5). — *[The Minister of Justice (Mr Ford).]*

No 23: In clause 44, page 29, line 15, leave out paragraph (c). — *[The Minister of Justice (Mr Ford).]*

No 24: In clause 49, page 33, line 6, after “up” insert “sectarian hatred or”. — *[The Minister of Justice (Mr Ford).]*

No 25: In clause 49, page 33, line 8, leave out “religious belief,”. — *[The Minister of Justice (Mr Ford).]*

No 26: In clause 49, page 33, line 14, leave out subsection (3) and insert

“(3) For the purposes of this section sectarian hatred is hatred against a group of persons defined by reference to religious belief or political opinion or against an individual as a member of such a group.” — [The Minister of Justice (Mr Ford).]

No 61: In schedule 3, page 81, line 7, leave out from “or” to end of line 9. — *[The Minister of Justice (Mr Ford).]*

No 62: In schedule 3, page 81, line 19, leave out from “or” to end of line 21. — *[The Minister of Justice (Mr Ford).]*

Mr Speaker: We return to the Consideration Stage of the Justice Bill. Members will recall that we were debating the third group of

amendments, which deal with the regulation of sports.

Mr Lyttle: I support the third group of amendments, excluding the opposition to clauses 41, 42 and 43. As this is my first opportunity to speak on the Bill, I wish to recognise the hard work of the Justice Minister and his officials in delivering the first Justice Bill in 40 years for the consideration of the House. In particular, I welcome the strong sport and spectator law that the Bill will introduce to complement and support the excellent work of local sporting bodies, such as the IFA, the GAA and Ulster Rugby, to deliver safe and high-quality sport in Northern Ireland. I recognise the outstanding work of those governing bodies.

Like many Members, I have particular experience of the award-winning work of the IFA. Under the leadership of Patrick Nelson and Michael Boyd, the IFA works in partnership with supporters to eradicate antisocial and sectarian behaviour from international and local soccer. In so doing, it has promoted Northern Ireland on the international scene. As the Member for North Belfast Mr Humphrey recorded last night, the IFA and Northern Ireland supporters have been recognised by UEFA and the European Union for their work towards making Northern Ireland football a sport for all. I welcome the fact that the Assembly has taken the opportunity to recognise that excellent work.

As a member of the IFA Football for All advisory panel and an Alliance Party MLA, I particularly welcome clause 38, which — I hope — is the conclusion of persistent effort and leadership from the Alliance Party to make sectarian chanting an illegal offence at all sporting events in this community. Michael Long, my colleague and Alliance councillor for Castlereagh Borough Council, has campaigned on that issue for many years, and I know that he will join me in welcoming the delivery of that provision by an Alliance Party Justice Minister, demonstrating that devolution can deliver safe and shared sport in Northern Ireland. I therefore welcome amendment Nos 18 and 19, which emphasise the intention of that clause, and amendment No 20, which represents, I believe, one of the first occasions when a Minister in the Assembly has moved to define and legislate against sectarianism in sport.

I do not think that I am the only Member of the House who has found the Ulster Unionist Party’s

discomfort with making sectarian chanting at sporting events an illegal offence quite a bizarre intervention at this stage of the Bill's passage. Indeed, it is my understanding —

Mr B McCrea: Will the Member give way?

Mr Lyttle: Certainly.

Mr B McCrea: I will clarify: the Ulster Unionist position is that it is not against sectarian chanting at sporting events. The Ulster Unionist Party is not against — *[Interruption.]*

Mr Speaker: Order. Allow the Member to continue.

Mr B McCrea: I find it somewhat disappointing that a man with whom I have shared sponsorship of Unite against Hate events would make that allegation. The issue that we are putting down here is a fundamental one about what defines sectarianism, and we want to argue on that legitimate point. We have no problem with the definition in the original clause. However, this is an attempt to silence free speech and to make it an offence to express an opinion. That will see read-across that is really dangerous. I am really surprised that the Member tried to misquote what we are actually saying.

Mr McDevitt: Does Mr Lyttle agree with me that the problem with the clause as originally drafted was that it did not actually define sectarianism? In fact, it talked about everything but sectarianism. I think that what we are trying to achieve here, on as cross-party a basis as possible, is to bite the bullet for the first time ever and, in the context of sectarian chanting, to define it and call it what it is. I ask Mr McCrea and his Ulster Unionist Party colleagues to reflect on the fact that their colleagues on the Justice Committee, including Mr McNarry, supported and voted for that clause. *[Interruption.]*

Mr Speaker: Order. All remarks must be made through the Chair.

Mr Lyttle: I thank the Members for their interventions. I agree with the Member for South Belfast about the need to clearly stamp out sectarianism in sport by way of clear legislation. The very reason why I am particularly confused by Mr McCrea's position is that I have shared sponsorship of Unite against Hate events with him. This morning, I heard that some further confusing statements were made about perhaps

needing an upper House in the Assembly to properly consider legislation. Perhaps what we actually need is a Mr McCrea stage to allow him to catch up with the hard work that everyone else has done on the Bill.

I will move on. That power has been called for not only by my party but by the governing bodies and responsible fans because they understand that it will complement and strengthen their dedication to kicking sectarianism out of sport. I therefore regret that some of our politicians seem to find it difficult to catch up with our sports on that issue. It is important that the House supports the hard-earned gains of our local sports by legislating for strong powers to deter a small minority of fans from the type of sectarian behaviour that we have seen in the past and, unfortunately, more recently from a very small minority at the home international matches in Dublin.

I welcome the Minister's responsiveness to the football community's concerns about ticket sales and welcome his removal of clause 36(1)(c) with a view to working with the IFA to progress appropriate ticket sales regulation for local football. Amendment Nos 12 to 17 are also all sensible.

I have listened to the concerns of the House about clauses 41 to 43 with regard to alcohol at sporting events. Although my party will not oppose those provisions, I welcome the Minister's responsiveness, particularly in respect of spectators who consume alcohol at sporting events in a responsible manner. I also welcome his introduction of amendment No 46, which ensures that the provisions in clause 43 will be activated only by vote of the Assembly.

In conclusion, I recognise the leadership shown by the Minister of Justice, the efforts of his officials and the contribution of the Justice Committee in delivering a substantive Justice Bill that will strengthen the safe enjoyment of sport and promote a high standard of sport in Northern Ireland.

Lord Browne: I am sure that all Members wish to encourage and promote a safer, more pleasant and family-friendly environment at all our major sporting grounds. Therefore, I support many of the clauses in the Bill, because they go a long way to assist clubs that are already playing a positive and active role in achieving those aims. However, I oppose clauses 41, 42 and 43, which are unnecessary.

As has been stated, clause 41 seeks to fine any member of the public who is drunk inside a ground or while attempting to enter a regulated match. Aside from the very serious concerns that the Committee has expressed over the lack of definition in the legislation of what precise state will qualify as drunk and aside from the fact that the more general offence of being drunk in a public place already exists in law, I argue against clause 41 on the grounds that it is practically unenforceable and could prove counterproductive to the efforts that clubs are already engaged in to prevent drunken supporters entering their grounds.

In practical terms, it would be exceptionally difficult to identify what could be described as a peaceable drunk person at a sporting event, because they would be part of a large crowd that would be liable to behave in an excited manner when entering the ground. The only point at which, in practice, it would be possible to identify an intoxicated person would be if that person were to cause trouble of some kind, be that through violent or abusive behaviour. In that case, the primary question for the stewards and marshals at the scene and for the law afterwards would be about the behaviour that that person was engaged in at that point, not whether they happened to be drunk.

Far better offences and regulations can be employed, such as disorderly behaviour, breach of the peace and simply fining a supporter for possibly being drunk when they committed an offence. Similarly, it needs to be asked who would be able to monitor a crowd closely enough to spot a drunk person causing no trouble. Local sports clubs simply do not have the resources to enforce that in any meaningful way, if, indeed, enforcement were even possible. For those reasons, I find the parts of clause 41 that are not already law relatively unenforceable.

I object to clause 42 for almost exactly the opposite reason. Clause 42 clearly makes the most arbitrary provision that it is possible to make. Although the intention behind the clause may be good — preventing the availability of missiles that could be thrown and cause injury to persons — it again appears to me to be largely unnecessary and highly overprescriptive. It is an odd situation when the Assembly is spending its time developing a clause, the only effect of which will be to criminalise entirely non-criminal behaviour. There is no mention in the clause of any intention to use the container as a

missile or weapon and no mention of offenders having previously been involved in missile throwing. Even the criminalised article, the drinks container, poses problems in the clause. I suggest that there are very few containers that are capable of holding any volume of liquid that are not also capable of:

“causing injury to a person struck by it.”

As it stands, clause 42 is clumsy, lumbering and far-reaching and cannot be allowed to stand. No harm is caused at a football match by a person possessing a drinks container. When I go to football matches, I have to remove the top from Coca-Cola bottles and so on. The intention may be to take away all items that a person could use as missiles to injure others, but the result would be that practically nothing could be brought into a sporting venue. It is clear that the clause criminalises non-criminal behaviour. It is arbitrary in the extreme, and, if it were enacted, carrying a can of Coke into a stadium would leave someone open to receiving a larger fine than if they entered the ground in a drunk or intoxicated state. Clause 42 is simply not suitable.

10.45 am

I oppose clause 43 for three reasons: it could damage the good work that many sports clubs do in promoting what I would describe as responsible drinking at matches; it would encourage irresponsible drinking; and, at sporting events where drink is available to spectators while they watch matches, there have been no recorded incidents of any major drink-related trouble. Indeed, we can take the example of Ulster Rugby at Ravenhill, where alcohol is served to supporters who can drink on the promenade. That has been going on for many years, and that ground has a remarkable record of no drink-related trouble. That is probably down to good marshalling by the stewards and to the atmosphere of responsible drinking among those who wish to drink.

There is no point denying that many people wish to drink while they watch sporting events. If we were to impose a blanket ban, it would not only undo the good work that, for example, Ravenhill has done, but would deny other sports clubs the chance to follow its example. Although we may accept that the drunken state of some supporters contributes to some of the trouble at sporting events, the correct response is not simply to remove all drink from sporting events.

After all, some of the events that are worst for disorder do not sell drink at all. We should go into that issue in more depth. We should understand what the real cause of drunkenness at those matches is. The supporters involved in disorder drink excessively before they even arrive at the match. The reason that many of them do so is that they want to have a drink while watching the match, but there is none available at the ground. I do not believe that this clause will in any way solve that situation. Again, I think that Ulster Rugby has such a good record because it encourages responsible drinking. This clause would simply stop that good work and prevent other sporting organisations following that fine example.

For those reasons, I oppose clauses 41, 42 and 43.

Mr B McCrea: Already this morning, we have had an interesting exchange about the definition of sectarianism. I reiterate that, when I speak on the matter, it is because I am a Member of this legislative Assembly and I consider it my duty to put various questions during debates. Whether the matter has been discussed in Committee or not, we do not have to accept automatically what was said. There is a real issue to be discussed and a real point to be made. What disappoints me most is that, when somebody expresses a contrary point of view, the response is to denigrate and put down that individual as though, somehow, his or her contribution is not to be valued. To my mind, that is the essence of sectarianism. It deals not with the matter at hand but with who is speaking. I have to say to colleagues who spoke earlier that I find it deeply offensive when people suggest that I am sectarian.

Mr McDevitt: We should set the record straight on the basic point that the Bill does not seek to define sectarianism, as Mr McCrea suggests; it seeks to define sectarian chanting. It defines chanting very specifically. We came to the House to debate the definition of sectarian chanting. It is important that we have a debate around our ability to define that.

For the record, it is absolutely the right of every Member, at any stage or point of legislation, to express a view that they hold true. It is important to note and it is respectful to any Committee that has spent considerable time scrutinising the legislation that the issues that are being raised today in the House and were

raised last night by the Ulster Unionist Party were not raised at Committee Stage. That should be acknowledged and noted.

Mr B McCrea: I am grateful for the intervention from Mr McDevitt. However, I refer him to his closing remarks in yesterday's Hansard. He said that this is the

"first step on this issue, and we should do that during the passage of this Bill." — [Official Report, Bound Volume 62, p 174, col 1].

The problem is that, once this issue is enshrined in legislation, it forms a template for other legislation.

Lord Empey: I am grateful to the Member for giving way. That is one of the issues about which I have concerns. Yesterday, Mr O'Dowd said:

"There may be some read-across to legislation in relation to parades that never made it to the Chamber, but the fact that we have managed to define sectarianism in legislation is welcome." — [Official Report, Bound Volume 62, p167, col 1].

Anybody who thinks that this is simply about chanting at matches — deplorable as that is — misunderstands. This will be seen as a model that will be transferred to other legislation. That is why it is important that we get it right.

I find it unfortunate that people have such arrogance as to think that they have some kind of monopoly on trying to prevent sectarianism. There is not a single Member who supports or encourages sectarianism or does not deplore it in all its forms. The question is how we define it in legal terms to prevent it in a way that does not collide with people's rights to have a view and political expression. If anybody listened to the argument about cuts, like me, they might recall some things being said about evil Tory cuts and how those people should be jailed and all that sort of thing.

Mr Givan: Sue us. Take us to court, then.

Lord Empey: The danger is that a definition that is not good will appear in other legislation. That is inevitable.

Mr B McCrea: I thank Lord Empey for his intervention. While that exchange was going on, a Member, in response to the comment about evil Tory cuts, said, "Take us to court, then". That is precisely the point that we are making.

Mr Givan: I am grateful to the Member for giving way. If I am at a football match, the last thing that I will be chanting from the stands will be, “Tory cuts, Tory cuts”. We need to instil a little bit of context for what we are talking about, which is regulated matches.

I appreciate what has been said about the read-across to other legislation. However, in this Bill, we are talking about sporting fixtures. I have rarely experienced sectarianism or political opinion in the chanting at a football match. However, on the rare occasions on which I have, it put me off bringing any other member of my family to those sporting fixtures. If this is about making sporting fixtures family-friendly, we need to make it crystal clear that that should not be tolerated. On the very rare occasion on which it happens, we should be very clear about it. However, let us be clear: we are talking about sporting fixtures, not across the piece.

Mr B McCrea: I am grateful for the Member’s intervention. It gives me the opportunity to make clear that the point that Lord Empey raised — a point that Mr Givan appears to have missed — is that this is the first time that such a definition will be enshrined in legislation. I am surprised that the Member does not understand the implications —

The Chairperson of the Committee for Justice (Lord Morrow): Will the Member give way?

Mr B McCrea: If the Member lets me finish my point, I will then let him in.

I am surprised that Mr Givan does not understand the implications of setting in statute a definition that may then be used in other legislation, such as that applying to parading. I appear to have lost the Member’s attention, despite the fact that I am trying to address the issue that he raised. Obviously, what I have to say is not sufficiently important for him to listen. Mr Speaker, it is difficult to make a contribution when Members are talking among themselves, so I look to you for support.

Mr Speaker: Order. Allow the Member to be heard in silence.

Mr B McCrea: Mr Speaker, I am, of course, grateful for your support. *[Interruption.]*

Mr Speaker: Order.

Mr B McCrea: When issues are raised, it is incumbent on Members to debate them

properly and meaningfully. This is a matter of fundamental importance. Members sometimes try to twist words that have been said and misquote them to their own advantage. Therefore, I take issue with the Alliance Party Members who said that I had suggested that we should have an upper House. Let me be clear about what I said — Members are laughing, but I am happy to take an intervention — when people have a second chance to look at legislation, sometimes they review and revise it. When race hatred legislation came before the House of Lords, it was rejected overwhelmingly — by 266 votes to 111 — in a cross-party vote that included Liberal Democrat, Labour and Conservative Members.

The Minister of Justice (Mr Ford): I thank the Member for giving way. I wonder, Mr Speaker, whether you might remind him that some of us have been operating here under the principle of devolution for 12 years. What may or may not happen in an English context in the House of Lords is utterly irrelevant. We have an entirely different system, which puts much greater emphasis on revising Bills at Committee Stage. Consequently, in ensuring that all views are taken into account, this institution is much more democratic than the House of Lords. Of course, the Ulster Unionist Party is not having much success in getting its members into the House of Commons. Rather than refer to what happened in England, perhaps the Member should look at the opportunities for devolution here.

Mr B McCrea: I am interested to hear that. When Members have to resort to personal abuse or to attacks on the character of individuals or a party, I always think that they lack the capability and, indeed, the integrity to ask for a proper debate on the issue. I am happy to debate the issue, but I do not need a lecture. *[Interruption.]*

Mr Speaker: Order.

Mr Poots: Will the Member give way?

Mr Speaker: Order.

Mr B McCrea: I indicated that I would give way to Lord Morrow. If the moment has passed, I apologise; I did not mean to go on.

The Chairperson of the Committee for Justice: I thank the Member for giving way, even though he does so belatedly. Anyway, it is better late

than never. There is some confusion about what he said, so perhaps he will shed some light on the matter. Is Mr McCrea telling us that he has no problem with the wording on sectarianism if it is applied strictly to sporting events? Am I right to assume that he will go on to say that he is concerned about creeping paralysis and that the Bill will be the monitor for future legislation? I want him to address that matter specifically. Is he saying that, if the wording refers to sporting events alone, which it does, he will be quite happy with it?

11.00 am

Mr B McCrea: I am grateful, in part, to Lord Morrow for his intervention. I will deal with the point with which I agree and then with the point on which he challenged me. My concern is that, if we place a definition in legislation, it will be used as a template for other legislation. Quite rightly, people will question how sectarianism on a football pitch can be different from sectarianism in a social club, in an Assembly, at a parade or at a trade union gathering. As Lord Empey pointed out, that is one of the conclusions that Mr O'Dowd drew. Also, when I put my concern to Mr McDevitt yesterday evening, he responded on the record in a way that did not address the issue, which is that of read-across.

If Lord Morrow were to ask me whether this is down to a specific narrow definition and only applies at, for example, football pitches, one could also ask whether it should also apply to cricket pitches. When we talk about sectarianism —

The Chairperson of the Committee for Justice:
Will the Member give way?

Mr B McCrea: I will finish the point, and then I will give way. When we talk about sectarianism, I wonder whether it is wrong to chant but OK to whisper. Is it OK for an individual to express sectarian views? I do not think that it is. Sectarianism should be stamped out by individual action. We need to think clearly about the fact that legislation is not always effective in areas such as this. So my answer, having considered the matter — I am happy to consider it further and quite happy to take the intervention — is that there are real dangers in setting this precedent because, whether we like it or not, there will be read-across.

The Chairperson of the Committee for Justice:

I am grateful to the Member for giving way. He said that I referred to a football match; I did not. He went on to ask why the offence should not apply at a cricket ground, but that is precisely what I said. I said “sporting events”. We can check Hansard to see whether that is what I said.

Mr B McCrea: I am happy to take Lord Morrow's definition. I was merely using it —

Mr McDevitt: Will the Member give way?

Mr B McCrea: I do, at least, have to finish a sentence before I give way. I am just dealing with Lord Morrow's point first. For the record, I am quite happy to accept Lord Morrow's definition. I used that example simply to ask whether this will take us forward. I am concerned about read-across should this legislation form a template. That would be really dangerous, because it could get to the stage where it included trade union gatherings or parades or protests at which people shout out. We see people on the television at, for example, anti-war marches in London. They chant, they make their positions known, and some of what they say is emotive. When making legislation, we have to be careful of the danger of unintended consequences. I warn Members that it is no trivial matter that the political institutions in the United Kingdom revoked that law for that reason. I will come back to that point, but I will give way to Conall McDevitt first.

Mr McDevitt: I thank Mr McCrea for giving way. At this stage in the debate, it is important to demark what we are talking about, which is chanting, as defined in clause 38:

*“the repeated uttering of any words or sounds
(whether alone or in concert with one or more
others).”*

We need to consider the context of that chanting taking place at what the Bill describes as a “regulated match”. Colleagues can read the definition of a regulated match in paragraphs 3 to 9 of schedule 3. It might be helpful to put that definition on the record in Hansard.

They are: an IFA Premiership match, an IFA Championship game, an FAI Premier League game or an FAI First Division game. The clause also applies to a series of games that fall under some other association football rules; Gaelic games that fall under a certain category,

which we debated at Committee; and rugby union games that take place at a ground that is designated under Part 2 of the Safety of Sports Grounds (Northern Ireland) Order 2006. That is what the Bill deals with. It does not deal with a trade union rally, a political conference or the affairs of this House or any other elected Assembly.

Mr B McCrea: I understand the point that the Member is trying to make, but I disagree with it. There is an issue: once a definition of sectarianism that includes political opinion is considered and set in legislation, it is an assault on free speech and democracy. I am very surprised to hear the leader of the Alliance Party say that what the House of Lords has to say has no relevance, because there are issues on which that institution does indeed have an impact on us. I am surprised —

Mr O'Dowd: Will the Member give way?

Mr B McCrea: I will give way in a moment. I am surprised that, when the leader of the Alliance Party looks at the Supreme Court ruling, which is germane to other things that we are looking at in the Bill, he does not recognise the connection between the two. There are issues on which those things should be taken into consideration. We should learn from the lessons of others.

It was the Liberal Democrats, a party with which his party is sometimes associated, that led the overturning of that Bill. It was the Liberal Democrats that said that the Bill was unsafe and took out the clauses. We are talking about the removal of the words “abusive” and “insulting”. The definition that that party was arguing about is almost word for word exactly the definition that we are presented with here, and there was good reason for the House of Lords to reject that provision. I am particularly supportive that it inserted words about freedom of speech, because that is at the very core of democracy.

There is a famous saying: I may not agree with what you say but I defend to the end your right to say it. I concur with that, and I am also fundamentally opposed to sectarianism. There are ways of dealing with that, and I want to deal with it, but this is not the way.

Mr O'Dowd: I am reluctant to intervene, because it is sometimes unfair to the Member and to other Members. I stand by my comments

of last night: I welcome the intention to define sectarianism on the statute books in these circumstances. I and my party will look at each piece of legislation as it comes through the Chamber, and we will do so in the context of what that legislation is to be used for. I am not au fait or expert on the legislation to which the Member refers continually and which was going through the English House of Lords, but I am aware that it was legislation for wider societal use and was set in the context of everyday life and community infrastructure, rather than being set around the specific issue of regulated football matches.

The Member contradicted himself. Earlier, he said that sectarianism should not even be whispered, never mind chanted, and it should never be spoken. The Member said that the legislation that was going through the House of Lords is about conversational contributions, not chanting, political demonstrations, football matches or anything else. It was about day-to-day conversational use. If the Member agrees that sectarianism should never be whispered or spoken, he should agree with the legislation that was going through the House of Lords rather than opposing it. Finally, wearing a badge on your lapel proves only one thing: that you have a badge on your lapel.

Mr B McCrea: The last bit of logic is remarkable in its simplicity, because that is not the case.

When you wear a badge or an emblem of any sort, it is a declaration of intent. It —

Mr Speaker: Order. I am slightly worried that we are moving away from the amendments that we should be discussing. A Member said in an earlier intervention that he wanted to try to bring clarity to the debate. Let us do that, and let us get back to the amendments.

Mr B McCrea: I am referring specifically to amendment Nos 18, 19, and, particularly, amendment No 20. My argument to the Assembly is about free speech; it is about the dangers of read-across of this legislation to other legislation. My argument is that one must be careful that one does not legislate for a very narrow set of circumstances, which are then taken to other circumstances because, after all, a definition has been made. Mr Speaker, I am in danger of trying your temper, but Mr Poots has indicated that he wishes to intervene, and it would be remiss of me not to let him do so.

Mr Poots: I thank the Member for giving way. He is very good and shows due courtesy to the House in that respect. There are a couple of points to be made. First, with regard to the issue about the House of Lords and a second opportunity to go through legislation, we had an opportunity to go through the legislation at Committee Stage. Perhaps the Member would like to check what line, if any, his party members took on the issue, or if they even attended the Committee when it was discussed. He might not be particularly impressed if he looks at their attendance record at the Committee.

Secondly, I think that he is going down a very dangerous line. As chairperson of the Policing Board's human rights and professional standards committee, he should recognise that this is not setting a precedent. It is already in legislation. For example, if someone assaults a person and uses sectarian abuse while they do so, that is a greater crime. Therefore, he should recognise that this is not setting a precedent.

Thirdly, the Ulster Unionist Party should be careful about the route that it is taking and that it is not perceived today to be a party that is the mouthpiece of bigots and of people who will engage in sectarian or racial abuse. That would be a very foolish line to take, and that party would find itself with a very small voter base if it were to follow that line.

Mr B McCrea: I am glad that I found the time to take the intervention from Mr Poots. Helpful advice is always welcome. The Member knows me well. He has cited my record as chairperson of the human rights and professional standards committee. He knows that I argue on these points, and I trust that I can rely on him to put the record straight for anybody who thinks that we somehow support bigots. That is not the case. We want to make it absolutely clear that we are against sectarianism, as Lord Empey said, in all shapes and forms, and I do not think that any Member would say otherwise. I wonder whether the Member for Lagan Valley will agree with me that when Mr O'Dowd refers to the English House of Lords, he might actually be incorrect because it is the British House of Lords. However, that could be considered a political opinion. When we deal with these issues, we have to be very careful —

Lord Empey: I must say that I found Mr Poots's intervention slightly less agreeable than perhaps my colleague. There is unanimity in the

House that sectarianism is a cancer, particularly in sport and throughout a whole range of other activities. However, it is not unique. Sadly, it happens but is given different labels in England. Whether there are racial or other motivations, the same principles lie behind it.

Mr Givan referred to the fact that he and others want to see families attending sporting events, but they are often put off by the behaviour of particular individuals who attend those events. However, the phrase "political opinion" has been used.

That is an extremely broad definition. Political opinion covers a host of issues that varies from time to time. Are we wise to have such a broad definition, which includes political opinion, when we know that the risk, over time, is of the definition becoming so wide that people could see it as political correctness gone mad? There is a lot of reaction to that in the community.

11.15 am

Everyone agrees that there is a problem, particularly as it applies to sport, and everyone agrees that it has to be dealt with, which is progress. There is no argument against that in the Chamber. We are arguing about the narrow issue of the precise definition. The amendment goes one step further than I am comfortable with. The issue is that straying into the area of political opinion takes us into extremely dangerous territory. People can be offended by an opinion, but the issue is whether somebody feels threatened by the behaviour of another person. That is where the line is crossed.

The expression of a political opinion, even on a placard, might be offensive to any number of us in the House, but are we saying that that should be against the law? Where is the line to be drawn? I fear that if we go to that extent without being absolutely clear about what we are doing, we will take it one step too far. We are close to making real progress. Let us not take the one step too far that would lead us into all sorts of areas of contention. I thank the honourable Member for giving way.

Mr B McCrea: I thank Lord Empey for his considered intervention. I want to make it clear and reassure him that although I welcomed Mr Poots's intervention, I do not agree with the points that he made. However, it is worth making the point that when someone raises an issue in a reasonable and polite manner, it is

right to respond in a like manner. That is all that I was saying. Mr Poots raised some issues that I want to deal with. I am in complete agreement with Lord Empey that the issues raised are really serious.

One issue that concerns me about the way in which the debate is developing is that people are getting into their trenches and saying, “He said that you said”, and all of that. We do not really have a proper debate in this place; we do not really consider the long-term implications.

Mr McCartney: Will the Member give way?

Mr B McCrea: I want to make my point, if the Member does not mind.

We do not listen clearly to what people say. It is unfortunate that when people who have a record of positive debate urge caution, they are ridiculed or put down, but Members should listen to what has to be said. There are genuine reasons for opposition to the amendment. It is not a party political issue, nor have I sought to make it one. I sought to point out that in our haste to do good, we may, sometimes, do wrong by virtue of omission. The point was raised about the amount of work that some people —

Mr McCartney: Will the Member give way?

Mr B McCrea: I will give way. I just want to finish my point.

It goes back to the issue of our consideration of the Bill and all legislation. It cannot escape the notice of the Chamber that legislation has been considered at 1.00 am and 2.30 am, and that, now, for the first time, the Assembly sits on a Wednesday. When we look at the amount of work that has gone through Committees, it appears that we have got to the stage where there is reluctance to consider the details. I was surprised —

Mr McCartney: Will the Member give way?

Mr B McCrea: I will give way when I am ready. I have acknowledged that the Member wants to speak. I will let him speak.

In no way do I castigate anybody for the work that has been put forward. I simply recognise that when things are rushed, there is always the danger that mistakes will have been made, which could result in the law of unintended consequences. Of course, matters can be considered in Committee. However, other

information will always come along. That is the very purpose of Consideration Stage.

Mr McCartney: Will the Member give way?

Mr B McCrea: Before I give way, I have to say to those Members that we have to be really careful, because other issues that you hold particularly dear will be affected by this. Think carefully before you have a knee-jerk reaction and say that this is the right way forward. Any definition of sectarianism that includes “political opinion” is, in my opinion, extremely dangerous. We do not want to be setting any form of precedent whatsoever. I will give way now.

Mr McCartney: You say that there has not been a proper debate or that there should be a proper debate. I agree with you. However, I was interested to hear you speak on behalf of the Committee this morning on Radio Ulster. You certainly did not ask for my opinion. You said that the Committee was overwhelmed with papers. The papers are there to inform us and to assist us in having an informed debate. I heard you objecting on behalf of the Committee, because it had to sit one night until 7.30 pm, but you certainly did not ask for my opinion. I think that the public expect us to sit for as long as it takes, so that we can have informed debate when we come to the House. The public expect that to happen, rather than us being like you and coming in at a late stage and accusing the rest of us of not taking part in a proper debate.

Yesterday, I pointed out that there were 16 Committee meetings at which the Bill was discussed. Lord Empey and David McNarry were there; you should ask them whether they feel that we did this in a detailed and proper way before you go on Radio Ulster and speak on behalf of the rest of the Committee.

Mr Speaker: Order. I am conscious that Members should, as far as possible, direct their remarks through the Chair. There is another issue about interventions: Members will know that the Member who is on their feet has the control of the House. They decide whether they want to take an intervention. The good practice of interventions in other places is that they are short, focused and to the point. The interventions that we are hearing from Members are almost like statements. We need to stop that. I refer Members to what goes on in other places. The good practice of interventions is that they are sharp and focused.

Mr B McCrea: I thank the Speaker for his clarification on that point. I will return to the central point. It is absolutely the right of any citizen or any Member to express an opinion that they think is helpful. That is what I was doing. When I look at the challenges facing the legislative programme here, I have a conclusion to make. It may not be shared with others, but I have a conclusion about the detail that has gone through.

I noted that, in his intervention, Mr O'Dowd said that he was unaware of the issues relating to the House of Lords ruling. At least, I think that that was the point that he was making. Perhaps he should have been aware of that. If he had had a chance to look at that, he would, perhaps, have taken a different view. Certainly, other Members might have looked at that.

We have this issue. I fear that we are trying to push through legislation, which, when we have a chance to reflect on it, we may regret. Surely it is right to bring that to your attention. I have not sought to take cheap shots about what has gone on with these issues. I have said that there are dangers. You, as responsible elected representatives, can listen to what we are saying and say that you do not agree with us. That is your democratic and legitimate prerogative. However, I am telling you here and now that there is a problem with a definition of sectarianism that includes "political opinion". It will come to haunt us; we will rue the day that we put that in. It will come up in other legislation. It will be a problem, because it will be a hook that we cannot get off. I think that it will destroy our attempts to defeat sectarianism.

Lord Empey made the point that we are making huge progress and said that there are things that we want to do. I commend the sporting organisations that have led the way in doing all of that. I support their activity.

Mr McCallister: I am grateful to my colleague for giving way. I pay tribute to him for the work that he has done on the Policing Board. No one in the House could challenge Mr McCrea on the work that he has done and on where he has been to meet people and to challenge sectarianism. Our view is very much —

Mr Speaker: Order. I insist that even interventions must be on the subject matter that is being debated on the Floor. We need to get Members back to the amendments.

Mr McCallister: Mr Speaker, that is what I was coming to by saying that Mr McCrea and his support for political opinion is absolutely key to our opposition, and it is key that we continue to win the debate on this issue, because it sets a very dangerous precedent.

Mr B McCrea: I thank the Member. It is always useful to explain to people that there are others who share a view. I do not want people to misunderstand the fact that we have some interaction — I have interaction with many Members in the Chamber, from all sides; I think that would be generally accepted.

I am actually making an appeal to Members. This is not about making a statement and then running away from it. I am making a genuine appeal to Members to listen to what has been said and reach a considered opinion — to do what you are here to do in the Chamber at this time. Consider whether this is unsafe in the wider circumstances. The argument supporting my position is that other legislative bodies have considered similar legislation and, for the reasons that I have outlined, have rejected that particular point.

It is imperative that Members understand the potential for difficulties that including political opinion as a form of sectarianism would present to them, their constituencies and communities. It is not something that they want to do. It is genuinely dangerous. It is not advancing the argument about anti-sectarianism; it is actually taking the argument about sectarianism into a cul-de-sac or along a road down which we do not want to go. We should respect people's opinions and say that the original clause in the Bill — which is section 75, which is approved, and which is the legislative standard — is acceptable. That is right and proper.

If, at some other stage, Members want to bring another Bill forward that deals with sectarianism in its wider sense, and not just in sport, we should have that debate in the open and in front of the cameras. Let people say what they want to say: that is the right way to do it. It is not right to do it with three or four words in a Bill with a significant number of clauses and amendments. There was not proper scrutiny or debate. I do not feel that I had a proper debate, and that is why I am on my feet now.

Mr I McCrea: I thank the Member for giving way and apologise for not being in the Chamber for his full speech. He has gone through the

issues and, as he said, he has a right to his opinion, and no doubt all of us have the same right. As he is not a member of the Justice Committee, will he advise the House how his party colleagues on the Committee voted on the clause in respect of the critical issue that he has been explaining?

Mr McCartney: I just want to ask a question, through the Chair —

Mr Speaker: Order. I would prefer if the Member would answer the first question, and then he can give way to Mr McCartney.

Mr B McCrea: I will take direction from you, Mr Speaker. I understand the point that Mr McCrea is making, but surely it is right and proper, when a Committee has gone through its deliberations, and legislation then comes to Consideration Stage here, that we can review it, change it or have a debate among colleagues. If a Committee makes a particular decision, is the Member saying that that decision is automatic and that the rest of us cannot change it or have a different view? Surely that is the basis for this Chamber.

11.30 am

It is true that I did not get a chance to have a look at this issue when it came through the Committee. This is my opportunity, and I do it, through you, Mr Speaker, in the proper manner and with the experience that I have gained on the Policing Board and in other institutions, and I am putting forward a point of view as reasonably as I can.

I understand and accept the Member's point, but I am now putting a counter-argument. I have looked at the issue and had time to reflect and consider the position, and I suspect that, were the Member in a position to have a look at that as well, he and others would have concern if this legislation were read across — not that it will be — to other issues such as trade union protest, parades or gatherings of any sort. There would be some danger if that were to happen because people would say, "Hold on a tick, surely I am allowed to express an opinion". You do not have to agree with someone's opinion, but they are allowed to express it.

Mr Elliott: As recently as the past couple of weeks, during Consideration Stage of the animal welfare legislation, the Agriculture Committee had agreed a number of amendments, but

a particular party, a member of which is Chairperson of that Committee, then tabled separate amendments that were opposite to the Committee's stance.

Mr B McCrea: That is germane to my point. Parties in Committee expressed no opinion on any clauses. They reserved their position on all issues. They did not vote or give any indication of their position, yet they tabled amendments to the Bill. That is entirely their right. They do not have to express an opinion or vote. That is part of the process and exactly how it is. So, we have already debated the amendments that came from the party opposite. In fact, Mr McCartney tabled those amendments.

Mr McCartney: First, it is incorrect to say that we did not express an opinion on our rationale for tabling amendments. Any person who read the Hansard report, the Committee reports or attended the meetings would confirm that. Perhaps the Member could consult his party colleagues on that. We outlined clearly to the Committee why we would be tabling amendments.

Secondly, the Member said that there was poor scrutiny of the Bill. That is unfair to Committee members. Any person can come to a Consideration Stage and say that there was no proper scrutiny. There was proper scrutiny of the Bill. You are right to say that the scrutiny needs to be reviewed, but saying that there was not proper scrutiny undermines even your own Committee members.

Mr B McCrea: I will make it clear, Mr Speaker: I am not in being in any way pejorative about the Committee members.

Mr Poots: On a point of order, Mr Speaker. Are we discussing the amendments to the Bill or technical issues about the procedures of the House? We have fallen away into discussing the procedures of the House as opposed to the Bill.

Mr Speaker: The Member will know that I have been trying to guide Members back to the amendments, and I am afraid that we may now be straying into the process that the Committee used to gather whatever evidence it needed. Once again, I encourage Members to please get back to the amendments that we should be discussing.

Mr B McCrea: Mr Speaker, I understand the direction that you have given, and I am trying

my level best to deal with the issues. However, when Members such as Mr McCrea bring up an issue, it seems churlish not to respond. However, I take your direction, and I am trying to deal with this issue.

Let me just finish. I will be very brief —

Some Members: Hear, hear.

Mr McCallister: That is chanting.

Mr B McCrea: Yes, it is interesting to ask whether that is chanting.

Let me just finish on the issue about the amendments that were brought forward and the deliberations. I am not aware whether Sinn Féin voted for any of the amendments. Was any Division called, and did they vote for any of them? Secondly, did they bring any of the amendments that they have proposed on the Floor of the House to the House —

Mr Speaker: Order. Once again, we need to be careful that we do not start to stray into other amendments. We are dealing only with the amendments that are before us at this minute in time.

So, let us be very careful. I am slightly worried that a Member is almost trying to extract information from other Members about what they did in Committee. We need to be very careful about what we are saying. A Member who makes an intervention might want to stray from the subject, but the Member who has the Floor should not be tempted to do so.

Mr B McCrea: I assure you, Mr Speaker, that I will no longer be tempted. We have had a pretty fair exposition of the point, so I will take no further interventions, sad as that may be for some Members.

When people make an argument about the process that I am going through and why I am considering this point now, I say that it is part of the democratic process. It is right to express political opinion in here, and it is right to take on information. We have looked at the amendments and are unhappy with their implications. We think that they are unsafe and unwise. When people have had a chance to reflect on that, they will agree with us.

I do not want to make my argument into a party political position; I want people to think carefully about it. This is our job, and the

amendment before us is unsafe and unwise. It will not advance the causes that people want it to. It does not support the stamping out of sectarianism, which we all want to see.

Although I am happy to take the slings and arrows of political debate here, I want people, the Whips in particular, to think really carefully about what I am saying. I ask them most respectfully to reject amendment Nos 18, 19 and 20. We ask the House to reject those amendments in favour of the clause as it stands. I also ask them to reject amendment Nos 24, 25 and 26 for the same reasons.

This is a serious proposal; it is not the normal knockabout in politics. This is about legislation that will affect this place for generations, and we should not sleepwalk into it. We should debate issues properly and on their own, instead of slipping them into a small part of a Bill. On that note, I rest my case.

Mr Speaker: Before I call Dr Stephen Farry, I want to correct the Member. I am not saying that Members should not take interventions; I am trying to say that, if an intervention goes slightly outside the business that we are discussing, the Member who has the Floor should not be tempted to stray from the business of the House.

Dr Farry: I am conscious that we are into Wednesday so, in trying to avoid going into Thursday, I will try to make my remarks once rather than repeating them endlessly.

It is important to bear in mind the context of the amendments that we are discussing. They relate to spectator sports and control at certain regulated events and no more than that. There is a clear rationale behind the amendments: safety at sports grounds for spectators, trying to prevent problems with crowd control and trying to preserve a neutral and welcoming venue where people can go, as individuals or with their friends and families, and not feel intimidated or be put off enjoying the sporting success that we can have in Northern Ireland.

I am bewildered by the molehill that is being made over the amendments on sectarian chanting and by the blind alley that some people seem intent on going down. Having listened to Basil McCrea for past 40 minutes going round and round in a small circle, it is important to make a couple of points clear. Basil McCrea may well feel denigrated by people attacking him

over what he has said, but he has denigrated the Justice Committee and the House in his comments on the way that the amendments have been handled.

In addition to the points that have been made already, Mr McCrea was on the radio this morning and made the point that the amendments had been sprung on people at the last minute. He said that that was somehow unfair because the Committee knew what was happening but average Members only received the amendments at the last minute and said that that was somehow inappropriate and unusual. However, that is what happens with every piece of legislation: the Marshallled List of amendments is published on the Friday before the debate, and that is when every other Member receives it. Therefore, going on the radio to say that there is some sort of conspiracy does a great injustice to the processes of the Assembly.

Mr McDevitt: I am grateful to Mr Farry for giving way. Importantly, this question was raised in Committee, in the pre-legislation stage and, to my memory, on the Floor of the House at practically every Question Time since the Minister of Justice took office. I refer Members to paragraph 402 on page 48 of the Committee's report on the Bill, which indicates that the Committee for Culture, Arts and Leisure also considered the question. Therefore, it has been subjected to more than the usual level of scrutiny, not just by one Committee but by two.

Dr Farry: I concur. We heard comments about the Bill being a dog's breakfast, a tick-box exercise and a rushed job. However, the Bill was tabled properly through the Executive in a timely manner, it has had the proper level of scrutiny and there has been public consultation on virtually every aspect of it. This has been done through all the proper procedures. The issues have been around in Northern Ireland for some time. Indeed, spectator sports control stuff was subject to a debate in the Assembly in 2007, and legislation equivalent to what we are talking about introducing in Northern Ireland was enacted in the rest of the UK in 1991 and 1999. Therefore, we are playing catch-up.

Mr Poots: I thank Dr Farry for giving way. Does he agree with me that what is in the Bill is in agreement with the IFA's code of conduct, the good relations that that body has established and the Amalgamation of Official Northern

Ireland Supporters Clubs? There is nothing there that conflicts. You can stand up at a football match and chant "Stand up for the Ulstermen", but, if you were to chant something about orange or republican scum, that would be covered by the Bill. The reality is that only the bigots would go against the Bill.

Dr Farry: Absolutely; that is the case. We have an almost surreal situation in the Chamber today, with what has become the moderate mainstream unionist party in Northern Ireland pointing out what is required to tackle sectarianism to what has become the extreme unionist party in Northern Ireland.

Mr B McCrea: On a point of order, Mr Speaker. Is it in order for the Member to describe us as an extreme party?

Mr Speaker: That is not a point of order. Let us move on.

Dr Farry: Mr McCrea may be entitled to reach his own conclusions on the way forward on the Bill and to vote in any way that he wishes. However, equally, the rest of us are entitled to draw our conclusions about what Mr McCrea and the Ulster Unionist Party are seeking to do. Mr O'Dowd hit the nail on the head. It is one thing to jump on every bandwagon, put a badge on, go along to events and say nice words about sectarianism. However, where it counts is coming in here and walking through the Lobbies to change the law and to back policy changes that will tackle sectarianism in Northern Ireland. It is one thing to talk the talk, but you have to walk the walk as well.

Mr B McCrea: I am not sure about the line that the Member has taken about it being one thing for someone to go to meetings, to speak kind words and do the right things or whatever it is. For the record, is the Member suggesting that I am, in any way, sectarian in my outlook? Is that a personal thing? Are you talking to me?

Dr Farry: I made a general comment about the comments that were made today on the Bill by spokespersons from the Ulster Unionist Party. I am perfectly happy to take declarations that people are not sectarian in their outlook at face value. However, I am also entitled to make a judgement of a party that says one thing and then does something entirely different when asked to put its rhetoric into reality.

11.45 am

I turn to the substance of what is in hand. We are in danger of confusing the issue significantly. We have had a lot of talk about what has happened in the House of Lords over legislation on how far people can go in expressing an opinion that may be deemed to be racist or sectarian. It is a bizarre situation when someone such as Mr O'Dowd, given Sinn Féin's perspective, knows more about the substance of what was discussed in the House of Lords than the party with members in the House of Lords but none in the House of Commons.

The equivalent legislation that we are talking about enacting in Northern Ireland does not comprise aspects of the Equality Act 2010 or aspects of it that did not make the final cut. It is about translating the Football (Offences) Act 1991 and the Football (Offences and Disorders) Act 1999 into Northern Ireland law. We must be careful about understanding what we mean by sectarianism and racism on the one hand and having that reflected in law and, on the other hand, confusing the issue with regard to the application of those definitions of where it is permissible for people to say or not say things and to express or not express certain opinions. We are talking about a situation where comments of a sectarian nature, whether that covers religion or political opinion — I will come to that in a moment — are uttered in the context of a sporting event through chanting that is deemed to be threatening or intimidating and to pose the risk of violence. It is not about everyday use on the streets or people's opinions. We are trying to do this in a narrow, discrete area. It is not about interfering with people's right to freedom of speech. It is about controlling a situation where large numbers of people are out to enjoy a sporting event and consequences may arise from the inappropriate use of language at a neutral event that may risk spectator safety.

With regard to the precedent that may be set, we already have plenty of precedents in Northern Ireland. We have the hate crime legislation that includes sectarianism, and we have section 75, which was cited by the Ulster Unionist Party. However, that party decided not to go down that route in the amendment because it said that section 75 does not talk about political opinion. Section 75 does talk

about political opinion; it is written in stone if anyone wants to check the matter.

We are extending something here that is already the norm in many other societies. For instance, it is deemed to be inappropriate to engage in racial chanting at a football match in Great Britain for very good reasons. At the same time — this is where the House of Lords intervened — if people want to hold or express an opinion, no matter how distasteful others might find it, it is their right to do so. That distinction has been made in Great Britain. The line is crossed when someone's opinion, even one that is very distasteful, incites hatred or violence. That is when the state has to intervene. Those selfsame principles would apply in Northern Ireland if we extended the amendment to the initial area of spectator sports.

The reason why sectarianism has to cover religion and political opinion is this: in other societies, the dividing line where tensions arise is around the racial issue and, to an extent, that is a problem in Northern Ireland as well, and it is right that that is covered in legislation. However, we must also reflect the fact that we have our own circumstances here where religious and political divisions are an issue. The notion that we would not want to go down that route, bearing in mind those issues, is bizarre.

We must also bear it in mind that, for many people, the conflict in Northern Ireland is not primarily about religion. It is not a matter of theology. Religion becomes a convenient badge for a difference of political opinion. Even in this place, we are divided between unionist and nationalist, although the Alliance Party, of course, is cross-community in its outlook. It is wise to reflect the particular circumstances of Northern Ireland.

The notion that this is somehow going to be extended to cover legitimate expressions of political opinion is a total red herring. It will not interfere with anyone's right to express an opinion in here, with voters' right to express an opinion or with anyone's right to organise a rally to express an opinion. This legislation is purely about spectator sports control. There are existing measures to allow intervention when expressions of opinion cross the line into threatening violence, intimidation or disorder. Let us be clear and focused. This is a discrete piece of legislation, focused on what

happens with spectator sports control at certain regulated matches.

Mr Givan: I am grateful to the Member for giving way. He, like me, will have listened intently to contributions from the Ulster Unionist Party on this issue. Perhaps the Minister has also listened to those. This is the report in which all the evidence is gathered. In the interests of facilitating the Ulster Unionist Party — it claims not to have had sufficient time to scrutinise the report — the Minister could decide not to move that amendment. That would be a matter for the Minister. It is an option, if they wished him to do that. It may help them out.

Dr Farry: This has been discussed at length in Committee. Members were acutely aware of it in Committee and were poised to discuss and scrutinise it in great detail. It is supported by all the interest groups across society, including the clubs. There were no objections made in Committee. I understand that the amendments have the backing of the Executive which, last time I checked, still included two members of the Ulster Unionist Party. Although that party is entitled to come along here today and raise objections — we will draw our own conclusions from that — we as a society do not need to hold up progressive and necessary legislation just to meet the speed of the slow learners. It is not just slow learners who have been unable to keep up, but slow learners who misrepresent the process that we have been down.

I want to move on and discuss the other amendments that are causing —

Mr K Robinson: On a point of order, Mr Speaker. Is it correct for a Member to refer to a whole group of people as “slow learners” in what I take to be a very offensive manner? I speak as a former schoolteacher.

Mr Speaker: I take on board what the Member has said. Let us all moderate our language and be mature on these issues.

Mr Poots: Will the Member give way?

Dr Farry: I will.

Mr Poots: The Ulster Unionists may not be slow learners, but perhaps they are slow readers. Some 1,400 pages of material were gathered in Committee. For a Member to say that the matter has not been adequately discussed, when 1,400 pages of material identify the discussion and it is fairly clear that —

Mr Speaker: Order. Again, I remind all Members to be of good temper. Let us moderate our language.

Dr Farry: Thank you, Mr Speaker. Points have been well made, and clearly everyone in the Chamber understands what is happening.

It is important that we pursue clauses 41, 42 and 43, because the misuse and abuse of alcohol at sporting events can contribute to safety problems and crowd issues and potentially undermine the family atmosphere at games. I do not suggest that everyone who comes along and wants to have a drink at a sporting event is intent on causing trouble or even prone to doing so. However, we must recognise that we have situations where we have a lot of people in a confined space for a discrete period of time and there are dangers in that. No one is seeking to interfere with the enjoyment of those in wider society. What is meant by someone being drunk is easy to find elsewhere in legal practice, based on existing legislation.

With respect to missiles, I was slightly bewildered by the comments made by Lord Browne. He said that a sealed container is not necessarily a problem and that there is little difference between an empty container and one that is sealed. There is a significant weight difference between a full can of Coke or lager and an empty can. The fact that drinks at events are already served in plastic cups as opposed to glasses shows that there are already moves in that direction. It is logical to ensure that what could be used as missiles are not readily available at sports events. It is important to bear that in mind. It is not an inconvenience for people to be asked to bring their drinks in open containers. That is common practice in many situations and is already a regular crowd control approach, even outside the context of the legislation. The drinking of alcohol while watching a match is addressed by the exemption granted to private viewing areas. Amendment No 46 addresses particular concerns around rugby, because valid points have been made about the different context of that sport.

I stress that the clauses have not been inserted in the Bill against the tide of public opinion. There have been significant moves in that direction in the House in recent years. I appreciate that John O'Dowd has had a certain

change of heart since his commitment in a debate in 2007, but many other Members declared their full support at that stage for the extension of football offences and alcohol control measures. When the motion was tabled by my party in 2007, Mr McNarry of the Ulster Unionist Party sought to amend it by calling for the measures to be extended beyond football to all sports:

"We cannot be proud to admit that laws are now required to deal with the yobs and louts who give sport a bad name".

He added:

"To call for legislation is correct". — [Official Report, Bound Volume 23, p257, col 1].

Lord Browne said:

"a principal difficulty for clubs here is that legislation making it an offence to carry drink on supporters' buses or bring alcohol onto the terraces applies in other areas of the United Kingdom,"

but:

"The police here are powerless to act in such circumstances." — [Official Report, Bound Volume 23, p260, col 1]

At that stage, Michelle McIlveen's call for the full extension of the law was supported by the then Minister of Culture, Arts and Leisure, Edwin Poots.

The situation, even today, is that the Health Minister, Michael McGimpsey, and the Minister with responsibility for sport, Nelson McCausland, fully support the current clauses. From their departmental perspectives, they deem them necessary.

Mr Poots: The Member mentioned me by name, and my position on the matter has not changed. I see a clear and fundamental difference between what goes on, for example, at Ulster rugby matches, where some drink is sold to people who drink moderately in the stands. I am concerned about the implications of clauses 42 and 43. I see a fundamental difference in clause 41, which deals with drunkenness. I do not think that any of us wants to see people in a state of drunkenness at sporting events. That is not conducive to the sport involved or to people who are around such people. I am very clear on that. My position remains unchanged since I was Culture, Arts and Leisure Minister.

Dr Farry: I thank the Member for his intervention. I acknowledge the consistency of his views, and I appreciate that the three sports we seek to regulate have different contexts. I hope that Members acknowledge that amendment No 46 is a genuine attempt to recognise that.

I will wind up by stressing that the amendments are wise. The existing three clauses that will potentially be opposed are necessary and are only about trying to regulate conduct at certain sporting events to ensure that they take place in a proper atmosphere that allows everyone to enjoy sporting success.

12.00 noon

The Chairperson of the Committee for Justice:

I want to link the Member's remarks back to my colleague Mr Givan's suggestion. The Member talked about our holding up the legislation having listened to what Mr Givan had to say. Of course, we would not be holding up the legislation; Mr Givan made it clear that he was asking for the amendment to be reintroduced at Further Consideration Stage rather than being moved today. The reservations that have been expressed by some Members are to do with the word "political". That course of action would give the Committee an opportunity to look again at the issue at its meeting on Thursday. I ask the Minister to take that suggestion on board when he is making his final decision.

Dr Farry: I understand the spirit in which those remarks were made. No doubt the Minister has listened to them and will reflect on what has been said. From my own perspective —

Mr B McCrea: Will the Member give way?

Dr Farry: In a moment.

A week is a week, and it will be interesting to see whether Members are prepared to change their opinions. However, I am concerned that some Members seem intent on deliberately and consciously going down a blind alley, for whatever reason.

Mr B McCrea: Lord Morrow hit the nail on the head. The issue is about the word "political". We would appreciate some time in order to engage properly on the issue. If it makes any difference, I can assure the Member that we would like to engage and see whether we can find a satisfactory resolution to that matter.

Dr Farry: First, it would be interesting to hear the views of the Ulster Unionist members of the Committee for Justice. I want to emphasise that, when we talk about political opinion in the context of sectarianism, it is clear in my mind that sectarianism covers religion and political opinion. In some senses, the division in Northern Ireland is more about politics than it is necessarily about religion, and the two are often interchangeable. If we go for a narrow definition based purely on religion, we could end up with a law of unintended consequences, a law that may not be sufficiently robust and which may just cover what are seen as purely religious comments, or comments that make a religious distinction between different types of individuals, whereas the politics, maybe, reflects the wider sense of division and the wider sensitivities that exist in this society. It is no accident that section 75 of the Northern Ireland Act 1998, which has already been misquoted by the Ulster Unionist Party, refers to both religious and political opinion. Even 12 years ago, people were clear about what the needs of society were in relation to this issue.

Lord Empey: I wish to thank the staff of the Committee for Justice for the help that they offered. I often felt that they were probably being paid on piece work, and not normal wages, because of the sheer volume of material that they produced. I asked the Clerk one day whether she could provide us with a forklift truck to carry the stuff about. They have worked very hard in a very short space of time. I also wish to thank the Minister's officials for the frequent grillings and other things that they endured over many weeks.

We would all concede that, in a Bill containing 108 clauses which covers such a broad range of issues that have been left alone for many years, and which is trying to catch up, there is a question in the back of our minds about whether we have got everything right and whether we have missed anything. I am quite sure that, in retrospect, issues will arise that will come into that category. There are other things that we know we have still to do. I think that the Minister acknowledged that by indicating in several answers that he gave during the Committee Stage that further legislation will be needed.

That said, and returning to the group 3 amendments, I support Lord Browne's general comments on clauses 41, 42 and 43. I believe

that that is the right approach, and I endorse the sentiments that he expressed. Another Member made a point about soft drinks and commented on the risks that they could pose. The idea was brought forward that if a soft drink is frozen in its bottle, it becomes a lethal weapon. Members had perhaps not thought of that. So, all sorts of things have to be taken into account, and people are ingenious in finding ways around things.

The issue that we have been discussing this morning and, indeed, last night, is one of the most sensitive that we have to deal with. It is also one of the most obvious fault lines in our society. Sadly, there has been a tendency at times for those fault lines to become open and bare where sport is concerned. That is regrettable, and I think that we all have to commend the sporting authorities for the efforts that they are making to deal with that. Indeed, their Scottish counterparts made similar efforts, and they have had considerable success, so we have to learn from others' experiences. We must also commend and, where possible, financially support those organisations that are employing people to engage with the young when they are growing up and before they go to matches. Through that work, those young people are being encouraged to engage with the clubs. Sadly, however, we have seen examples where the behaviour of relatively senior people in clubs has been well below that which we would expect.

We could touch on a whole range of areas, some of which are highly sensitive. I do not mean to give offence, but let me give one example. If a sporting club is named after a terrorist, does that give offence when the loved ones of the people whom that person murdered drive past the door of the club every day? We have to realise that very sensitive issues are involved with this matter.

I must say that I was concerned by Minister Poots's comments. The implication in what he said was that if people were not in favour of this, they were bigots. That is not right, Mr Speaker, and you know that that is not right. Although a case could be argued, we must consider how we get a collective and unanimous view out to the community about how we will address this issue. It would be good if we could reach such a view.

Although Mr Givan is not in his place at the moment, I thank both him and Lord Morrow for their comments. We have expressed some concerns about the matter, and I do not think that we are alone in the House in having some of those thoughts at the back of our minds.

Dr Farry said that, when we are dealing with religion and politics, the politics can sometimes be more aggressive than the religion. I understand that. However, we have to remember what we are trying to prevent, which is threatening behaviour at sporting events. Apart from being wrong in and of itself, in practice, such behaviour would drive people away from sports. Many sports urgently need the maximum number of people they can get through the gate to keep them going. Quite frankly, without state support, a lot of those organisations would be out the window, which would be most unfortunate.

We are all trying to make sports family friendly, and we are trying to encourage people to bring their families to events in freedom.

People will recall going to matches years ago and mixing with supporters from different clubs. A downside of the policing of some such events, which also happens across the water, is the tendency to segregate everybody; we have the red and blue sides of the field or whatever. People are corralled according to the team that they support, which, by definition, creates a problem. Inevitably getting all the supporters of one side together tends to build things up and they become vulnerable to incitement from people in their ranks. The atmosphere is different when supporters of opposing teams mix together to enjoy the occasion, which, to some extent, we still have in rugby. Sadly, today, that seems difficult to achieve.

Mr K Robinson: Is the Member aware that at Seaview, the home of Crusaders Football Club, despite being a Glentoran supporter, I am happy to sit among the Crusaders supporters in their stand? I wish that were the norm throughout the land. However, I have more than a passing feeling that, in the past, the powers that be decided that football supporters should be segregated. Therefore, instead of being able to go to Windsor Park with a Linfield supporting friend of mine, I was told that I had to go to a different section of the ground, from which, as it happens, I did not get as good a view of the

match. Officialdom sometimes has unintended consequences.

Lord Empey: For a moment, I thought that the Member was really going to divide the House. Nevertheless, I take his point and I know that he has been a lifelong follower of sporting events. I do not know whether we will all get an open invitation from certain people to come to Seaview, but we will all have our bodyguards with us on the day we go.

The point that I am trying to make is that the unanimous view in the Chamber appears to be that we want to deal with this. I do not think that we are that far off. I find Lord Morrow and Mr Givan's suggestion helpful. Minister Poots has left, but to argue that if you are not for this you are a bigot is not worthy. I am sorry that the Minister is not in his place, but I took offence at that. I did not think that it was fair; it is the sort of simplistic argument that has undermined us for many years. I remember —

The Chairperson of the Committee for Justice: Will the Member give way?

Lord Empey: Yes.

The Chairperson of the Committee for Justice: I do not think that Minister Poots said what the Member cited. I think what he said was that, by opposing, you are standing up for the bigots. I do not think that he was calling Lord Empey and his colleagues bigots. I ask him to reflect on that.

Lord Empey: Fair enough, Lord Morrow, I will read the Official Report tomorrow.

Irrespective of that, it is still an unfortunate argument, because we are not standing up for any bigots. We want legislation. Not only that, we want to be able to support those in sport who are fighting the bigots. We commend them for the work that they have done, and they have had a degree of success given that the number of people engaged in this form of activity is relatively small. Sadly, like so many other things, they spoil events for everybody else. They are also an unwelcome bunch.

I do not know whether segregation has made matters worse, although during the Troubles, that happened in the same way as our community became segregated: 90% of us now live in areas of one tradition or another. When I grew up in this city, there used to be what were termed mixed areas. They have shrunk. From

experience of your own city, Mr Speaker, you know better than anybody what has happened. That change has been reflected, so we are all to blame in a sense. It is not possible to simply pick on sport. Nevertheless, sport and what happens on the terraces reflect the society in which people live.

The challenge that we face is to do something to effect a change in that without colliding with people's freedoms and their right to hold a view. Although some views are detestable in many respects, nevertheless, society has to tolerate them.

12.15 pm

My anxiety about these clauses is that, first, we want to ensure that there is a positive development and change, and, secondly, we want to ensure that a precedent is not set. There is no point in saying that this issue will be confined to sport. Mr Speaker, as you well know, when precedents get on to the statute book, they migrate. That is inevitable. Therefore, the issue is not one-dimensional; it is whether we can have something such as this in legislation. The provision was not in the Bill as drafted; it is to be injected into it as an amendment. Therefore, when the Bill was drafted, people felt that the model outlined in clause 38 was fine and, indeed, was a major step forward; which, of course, it is. However, people then felt that they had to take it one step further, albeit for a perfectly legitimate reason.

Mr O'Dowd: I have listened to the Member's contribution with interest. If the discussion is now about whether political belief will be covered by the clause, perhaps the Chamber is the ideal place to look to for an example. Assembly Members have to be respectful towards one another, and we cannot lambaste one another over political beliefs. If we did so, the Speaker would intervene, and, in the most extreme circumstances, he would — with, I am sure, great reluctance — eject an elected representative from the Chamber and the Building for an entire day. Indeed, there is talk that, if that does not work, a Member may not be heard from in the Chamber for a considerable time. That is an example of an extreme measure that can be taken against an elected representative. Therefore, if we cannot offend one another in the Chamber, surely it is only right and proper that measures be taken against someone who is involved in offensive

behaviour that insults someone else's political beliefs in a sporting ground.

Lord Empey: I suppose that, to some extent, that is the argument that we need to have. What is the envelope within which we can deal with the issue? It is perfectly clear that we could say that any reference to politics or religion of any description should be banned or that it is politically incorrect not to do this or that. Of course, if nobody referred to those matters, that would solve all the problems. However, that is not a realistic possibility in the world in which we live. Therefore, the question is this: where is the line drawn?

Clause 38 was drafted, and people reconsidered it and came up with an amendment, which is part of the normal process. I take the Member for Upper Bann's point about what goes on in the Chamber, although I suspect that he, like the rest of us, has a fairly thick skin. The issue is whether someone's behaviour proves threatening when they chant or shout at somebody else. That is clearly a breach, because it involves a form of intimidation that poses a threat to others. However, words such as "abusive" have been used. Some of us could say that abuse has been thrown around the Chamber this morning. At the end of the day, it is in the eye of the beholder.

The debate on where the lines are drawn is a good, mature debate to have. However, it is not easy to see where those lines are. In the flux of a sporting event, a lot comes down to the evidence and to whether a police officer heard an individual say something. Indeed, the inflection and tone of the comments can sometimes be more important than what was actually said. All those issues pose different problems.

We are, of course, in a political Chamber, and people are always going to play politics. However, let me be absolutely clear that this party is committed, and has been for many years, to trying to eradicate sectarianism.

We despise the people who participate in that type of behaviour, particularly when they bring it into the field of sport, which has been somewhat of an oasis for us over the years, as people, by and large, even in the worst days, could still enjoy sport. To invade that space and to bring sectarianism into it is to be deplored. I will not allow us to be labelled by anybody in that way.

That said, we made our points and expressed a legitimate concern. I hope that the Minister is listening. The points made by Lord Morrow and Mr Givan were positive, and I support them. I hope that we can move. I do not think that there is any lack of willingness to get agreement on this issue. There is no moving back from the point that we are at, which is that we have to confront the issue and, if necessary, give the powers to the police so that they can enforce them in a meaningful way. However, this has to be translated into the actions of a police officer on the spot on the day who will, perhaps, have the benefit of video evidence. However, if an individual is involved, and there is a mass of people, video evidence will not be much use unless a police officer actually hears a chant or a sufficient number of witnesses who heard what was said come forward. Otherwise, it will be hard to prosecute somebody, because, with the segregation of the crowds, people at the other end of the ground will not be able to witness an individual chanting, whereas a police officer, who is closer to the scene, will have the opportunity —

Mr McCartney: Will the Member give way?

Lord Empey: Yes, I will.

Mr McCartney: If something is not put in place, people might think that it is acceptable to shout sectarian slogans from a football terrace. That has happened and continues to happen. That has to be considered.

Lord Empey: I thank the Member for his intervention. I am merely trying to say that the law that we provide here has to be translated to the officer who is on the terrace. That officer has to be able to identify, with reasonable confidence, what an individual said and to stand up in court and say specifically what that individual —

Mr Humphrey: Will the Member give way?

Lord Empey: Yes, I will.

Mr Humphrey: I am grateful to the Member for giving way. It is much more complicated than that, in the sense that the police are not in the stands for international football matches; private security companies such as Eventsec are present. Indeed, it is even more complicated with GAA matches because the police will not be admitted to the ground.

Lord Empey: I think that the Member, in a beneficial way, illustrates to an even greater

extent the point that I was trying to make. He is correct. Last month, I spent three and a half hours with the police during an Ulster rugby game at Ravenhill. I was there because of constituency issues in the surrounding area. It had nothing to do with sectarian chanting; it was about parking and other mundane issues. I saw the operation from the control room, and, as the Member rightly said, there were some 100 Eventsec staff deployed that day. As Lord Browne said, that is one of the reasons why it is possible to hold such events. Alcohol was available and was being consumed at the side of the pitch as well as in the stands. Nevertheless, the Member for North Belfast made a valid point.

Mr McCartney: For clarification: I think that it is unfair of a Member to suggest that the PSNI is not permitted in GAA grounds. To my knowledge —

Mr Humphrey: The word that I used was “admitted”. *[Interruption.]*

Mr McCartney: Whatever the —

Mr Speaker: Order. We must be careful now. Lord Empey has the Floor.

Mr McCartney: To my knowledge, the PSNI plays a full part in ground control for all GAA grounds. I want to put that on record.

Lord Empey: First of all, if I am to follow your edict, Mr Speaker, I did not make the comment, and I will leave it for the record to show and to the two Members concerned to sort it out. I will continue, if I may.

I take the point about the practical outworkings. The differences are not great, and our sincere belief does not constitute an attempt to shield people and is, indeed, quite the opposite because some people have systematically destroyed, and continue to destroy, the image of sport. Many members of the Ulster Unionist Party have had a lifetime’s involvement in different sports at different levels. We are not approaching the issue from a narrow point of view but are trying to make good, enforceable law that delivers the shared aims and objectives of everyone in the Chamber.

We are concerned about the definition of “chanting ... of a sectarian nature” in amendment No 20 in that it could overstep the mark and create clashes about what are considered normal rights and freedoms of speech, however offensive some comments

might be. The key word in the amendment is “threatening”. There is a difference between somebody being abusive and somebody being threatening. Mr Speaker, if you had to make that distinction whenever you are in the Chair, you would have a huge challenge. Mr O’Dowd stated that the Speaker had a role when Members are challenged about their political beliefs. However, there is a difference between the religious and the political. To some extent, political opinions transcend religious boundaries, perhaps not as much as some people would like. Our society is evolving, and the legislation will be around for a considerable time. Therefore, it is only right that we ensure that the Bill will deliver what we all want. I hope, therefore, that Lord Morrow’s suggestion can be followed because it is wise to proceed in that way.

We are not on our own in having concerns on this issue. It may be a narrow issue, but the dividing line in legislation and in politics can be narrow. If we can bridge that gap, have everybody onside and allay their fears and be satisfied that the legislation is right, then happy days. We can emerge from the Chamber and the House with legislation that we can be proud of and go to the people with. That is the way in which I would prefer to proceed on an issue that has riven us from stem to stern for years. In other countries, we can see the effects of racial and religious differences. There are sectarian, as well as racial and tribal, dimensions to what is currently happening in the Middle East. This issue is not unique, but we must get it right.

The Minister of Justice: A lengthy and detailed debate was inevitable on the largest group of amendments, which contains 19 amendments and opposition to three clauses standing part of the Bill. I refer not only to the three to four hours of debate last night and today but to the lengthy, detailed debate during Committee Stage and, indeed, the pre-consultative stage. The issues have been considered in great detail. It gives me considerable pleasure that, although the Committee intends to oppose three clauses, the 19 amendments were largely agreed. That is an example of the robust work that was done at Committee Stage by my officials and Committee members and staff. There are three gentlemen in the Officials’ Box today whose hairstyles, which are rapidly imitating mine, indicate the level of work. Actually, that is not true: although the engagement was robust and serious, it was good-natured and constructive throughout.

It should be recognised that that is the way in which matters have been dealt with up to now, even when there has been disagreement.

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

12.30 pm

First, I want to look at some of the general issues around alcohol in sport, which occupied most of the time last night, but relatively little time today, and the Committee’s proposed amendments, which would remove the three clauses. The concerns that Members expressed appeared to be overarching as much as in respect of any specific content. The general view seems to be that alcohol should be controlled at sports events, but not in law, and that clubs could control alcohol themselves. It has been suggested that this is legislation for legislation’s sake. I have listened to what has been said. We have had robust and serious engagement, and I have read the report that the Committee prepared. It remains my view that the abuse of alcohol can and does exacerbate crowd-control problems in grounds, in respect of crowd trouble and emergency evacuations.

In the context of the safety of sports grounds legislation, which the sports package is designed to complement at the specific request of DCAL and the Minister of Culture, Arts and Leisure, we must do all that we can to take suitable preventative measures. We have had incidents in the past — admittedly infrequent, but extremely problematic — of alcohol playing a part in the occurrence of trouble. Sadly, we have only to look at recent events in Dublin to find an example. The IFA and the official Northern Ireland supporters’ clubs support what we are seeking to do to control alcohol, and I commend them for what they are doing. The scenes that we witnessed in Dublin were just as offensive to the vast majority of genuine soccer supporters as to everyone else in the community.

The GAA also made it abundantly clear to me that alcohol has the potential to cause problems, and it wants to see these issues tackled. The GAA was particularly concerned about what were termed “booze buses” earlier in the debate. I was particularly pleased, even as we considered amendments at a late stage, to have the support of Michael McGimpsey, as Minister of Health, Social Services and Public Safety, and Nelson McCausland, as Minister of Culture, Arts and Leisure, for the retention of these clauses. Mr McCausland, in particular, advised me that he remains unconvinced of

some clubs' capacity to self-regulate and of the state of readiness in that area.

As my colleague Stephen Farry reminded the House, the Assembly has also called for legislation in this area to address sectarianism, racism and violence at sporting events. Given that alcohol is quite often at the core, I believe that this is a response to that request. I will not quote all the Members whom Stephen Farry quoted. However, let us remember that, when the Alliance Party introduced this issue in September 2007 with a call for an equivalent to the Football (Offences) Act 1991 that applies in England and Wales, there was unanimous agreement not only that that should be the provision but that it should extend to all sports and, certainly, to the three major codes of football. Stephen Farry quoted various people, including David McNarry, Lord Browne and Michelle McIlveen. The agreement resulted in consultation by the NIO, which, despite significant public support for the provisions, got nowhere.

Nothing happened until the devolution of justice last year. I took the opportunity that this Bill provides to introduce the provisions that would deliver what the Assembly sought. We have produced a package that delivers what was identified, and, as I read in Hansard, it was called for by Members from all five parties. It seems slightly incongruous, therefore, that I must now stand here to defend a package that was produced in response to what the Assembly requested and, in particular, that individual Members have complained to the media about the introduction of provisions for which they were personally and directly responsible for introducing into that Assembly debate. It will be frowned on by the public if, when given the opportunity to address the issues of alcohol and crowd control, we, as an Assembly, step back from our responsibilities. The public would think it odd that we did not take the opportunity to regulate as we said that we wanted to.

John O'Dowd raised a couple of specific points about pitch invasions and banning orders. When questioning whether it was proportionate to consider legislation on pitch invasions, he referred to good-humoured, regular events that should not be caught by the criminal law. That is absolutely right, and that is what the Bill provides for. The clause refers to going on to the playing area:

"without lawful authority or lawful excuse".

A few years ago, when my children were younger, it seemed to be the thing to do. At the end of a match at Ravenhill, everyone's kids would head onto the pitch with their programmes to collect as many autographs as possible. However, on 16 April 2010, four days after I was elected Minister, I arrived at Ravenhill to hear a ground announcement that it was illegal to go on to the pitch.

At that point, I turned to my wife and said: "We were discussing that only yesterday. We seem to have some significant effect". I believe that that is the reality of what is expected. The issue of lawful authority or reason will still exist, but I think that the increasing concerns about safety, which have led to, for example, the banning of what were usually good-natured pitch invasions by kids seeking autographs at Ravenhill indicate that the provisions are necessary and that we should proceed with them. I welcome the support that that provision had at Committee Stage.

John O'Dowd also talked about whether football banning orders will be proportionate. I believe that we are looking at 10 or 20 orders a year, at the most, and that such an order would only follow a criminal conviction for a serious football-related offence. I refer the Member to the reference to "violence or disorder" in clause 46(4). I think that that is an entirely proportionate response to a significant issue that will target those responsible but that will not create difficulties for other people.

I now want to turn specifically to the Committee's concerns about three key clauses, which are clauses 41 to 43. Clause 41 has to be retained if we are to provide proper control at regulated matches. It creates an offence of being drunk at a regulated match and is there to help organisers ensure the safety of all spectators. We have to remember that someone who is drunk, regardless of whether they are causing any trouble or disturbance, can present a danger to themselves and to other people in the event of an emergency.

The two specific aspects of opposition seem to be that existing law already provides for such situations; that it is an offence to be drunk in a public place so we do not need that power; and that there is a question mark over its enforceability because there is no definition of drunkenness in law. If Members look at the

existing law, they will see that there are two reasons why we need to retain the offence.

First, we need to ensure that there is proper coverage in statute. There might be a doubt about whether the existing offence of being drunk in a public place actually applies to a sports ground that is, in fact, private property, and it could be argued that that is not a public place. I, therefore, want to avoid any opportunity for people to develop that argument. Indeed, that is the position in licensing law more generally. There is an offence of being drunk in a public place generally and a specific, separate offence of being drunk on licensed premises, which tackles the issue of the public places definition when referring to licensed premises. I think that we need to be firm and clear in our law that it is a crime to be drunk at a regulated match. There are occasions when large crowds are present at sports ground, and we need to be absolutely firm in preventing and tackling drunkenness at those grounds.

The second reason why I think that it is important to state categorically in statute that that will be an offence is to publicly support the organisers of matches. Stewards will be able to tell people trying to get into a ground that it is against the criminal law for them to attend in a drunken state, and clubs will be able to put up signs to that effect. That will be a significant reinforcement of the good work being done by the vast majority of sporting clubs. Drunkenness can lead to crowd trouble, and that specific offence has important declaratory and preventative purposes.

As regards the need for a definition of drunkenness, offences for being drunk on licensed premises or in a public place have been successfully prosecuted against in Northern Ireland for 25 years — indeed, there are similar offences in England and Wales — without any definition of drunkenness having ever been given. So, I do not think that that is a reason why we should worry about the lack of a definition at this point.

I also want to comment on Lord Morrow's contention that the offence is unenforceable. I certainly do not expect that that will be prosecuted often, but it is still useful. From the evidence given to the Committee and the conversations that I have had with the PSNI, it is clear that, if there were a risk of trouble, those provisions, which may be rigorously enforced,

would be of major benefit because they would help the police to promote and communicate proper standards, would ensure that only certain behaviour is recognised as being acceptable and would reinforce the role of stewards who are seeking to enforce that behaviour. That is why the declaratory purpose of that clause is beneficial, even if we do not expect to see many prosecutions. It will be up to the courts to decide whether a person was drunk based on the evidence that they have. Clubs and match organisers may be expected to report flagrant breaches to the police, and it will be up to stewards to get involved in that. However, having the offence in place will enable those difficult individual cases to be dealt with. Therefore, I urge Members to support clause 41.

Clause 42 creates the offence of being in possession of a drinks container during a regulated match. Its main purpose is to address the use of drinks containers as missiles or weapons. The offence will cover alcohol and non-alcohol containers. It will apply only to items that could cause injury to someone and which, when empty, are usually discarded, returned or recovered by the supplier. We are largely talking about glass and plastic bottles and aluminium cans.

I know that Members have concerns that the offence is unworkable and overcomplicated to deliver; some feel that it is unnecessary and say that, in some cases, soft drinks are sold in containers. It has been pointed out that there is perhaps an inconsistency between a disposable container, which would be banned, and other, perhaps more dangerous, containers such as flasks which would not. However, this is an important preventative power that would be of use to match organisers. It is about strengthening criminal law.

Frequently, at sporting and other events, clubs require tops to be taken off bottles and cans to be opened before they can be brought in. Removing bottle caps is still part of the solution, but it is simply a matter of adding weight to that solution by seeking to reduce the weight of potential missiles. Drinks could still be sold, but they would have to be pre-opened or dispensed into cups, as happens in many other places.

We need to control what could be damaging items. There are concerns about what happens if somebody throws a full can or a soft drinks bottle weighing half a kilo, as those are

sufficient to cause significant injury if they hit somebody. Clause 42 will complement the clause on missile throwing, and the two will work together. Although I understand the point about non-disposable containers, my view is that anyone who brings a flask in would be unlikely to use it as a missile, and if they did they could be prosecuted under clause 37. The real problem is disposable items such as bottles and beer cans. That is what we are trying to catch.

I recognise that there are concerns and issues. If clause 42 is introduced, guidance will be published on the sort of items that would be covered by the offence and how clubs can help to enforce the policy. Clubs already use discretion in their duties of care towards spectators to exclude many of those items from grounds. I agree that clubs should do that, and I want to give them the backing of the law to continue the good work that they are already doing. It is a necessary provision, and therefore I urge Members to retain clause 42.

Clause 43 creates the offence of being in possession of intoxicating liquor inside certain parts of a ground during a regulated period. It will prohibit spectators from having alcohol within sight of the pitch, other than in a room to which the general public are not admitted. In practical terms, that means that alcohol will not be allowed on terraces but will be permitted in executive boxes, social clubs and so on. The reasoning behind the offence is that the irresponsible consumption of alcohol in grounds and on terraces can cause or exacerbate misbehaviour and disorder, which can make crowd management extremely difficult and enforcing personal safety much more dangerous.

The main arguments have been rehearsed on numerous occasions and seem to focus on three aspects. First, that clubs already self-regulate in this area and, therefore, the provisions are not needed. However, I am advised that alcohol is not generally available on football or GAA terraces. Therefore, the creation of the proposed offence would have no immediate impact on the local game. Secondly, that we do not need to apply the offence so broadly, particularly in regard to the inclusion of rugby. It is suggested that neither rugby nor GAA has any history of alcohol-related trouble so no new offence is needed. The commercial concerns of Ulster Rugby have also been raised.

Thirdly, it was said that none of the sporting bodies wanted the controls, although I know that the GAA and football have recognised the problems that alcohol can and does create at sports events.

I remain of the view that controlling access to alcohol at major events is necessary. One wonders what the public at large would think if the Assembly does not seek to control alcohol possession at sports events.

The majority of supporters are responsible and well intentioned, and I will acknowledge that on every occasion that I need to. However, others try to get away with things, and that creates problems. People get carried away and difficulties arise.

If we are seen to reject the opportunities before us now, and an incident fuelled by alcohol were to take place in the future, I do not think that a preference for club self-regulation would be much consolation to the victims of such an event. As I said, the sports Minister expressed his concerns to me about the readiness of some clubs for such an approach.

12.45 pm

I will refer to some other issues that have been generally agreed between the Department and the Committee. Although I have concentrated on the three clauses on which we disagree at this stage, I want to refer again to the good work between my officials and the Committee. We have removed the offence of ticket-touting, sharpened up a number of in-ground offences on missiles and sectarian chanting, relaxed the application of powers in smaller venues and relaxed the control of alcohol on buses leaving grounds.

I have recognised the concerns expressed about clause 43, particularly around rugby. I also recognise the need for those powers in appropriate circumstances and have proposed a flexible format for agreement. My preference is to put clause 43 control provisions in place for all three sports, and to consider separately over time the need to bring the offence into operation in respect of each sport. That will require detailed consultation with each sport, the Department of Culture, Arts and Leisure, and Sport NI, and will also require a separate affirmative vote in the Assembly. It is, in effect, what one might call a "triple lock" for use in the future. At this stage, I strongly urge Members to

reject the removal of clauses 41 to 43 in order to allow these important provisions to remain in the Bill and to support their passage as drafted.

I now turn to the issue that first came to my notice when it was raised in the Chamber yesterday evening; that of the definition of sectarian chanting. It was first raised by Mr McCrea and supported by Mr McFarland and a number of Mr McCrea's party colleagues. I apologise; I should say for the benefit of Mr Ian McCrea that the matter was raised by Mr Basil McCrea. As Conall McDevitt pointed out at quite an early stage last night, the clause is engaged only where the chanting is threatening, abusive or insulting. Although Lord Empey may be unable to tell whether something is threatening or abusive, the clause covers chanting that is either threatening or abusive; therefore there is no difficulty in defining between the two intents. It is fairly clear when something is threatening, abusive or insulting. The clause does not define sectarianism on the basis of expressing a political opinion. It does not affect freedom of speech. It simply addresses threatening, abusive or insulting behaviour, which, as was noted by Dr Farry, presents a risk in the atmosphere of a sports match.

Let me assure Mr Elliott that he is free to make his points about his friends in the SDLP at any stage. The only circumstances under which Tom Elliott would be restricted in making comments about Conall McDevitt would be if Conall McDevitt were playing for that well-known south Belfast team, Linfield, in a regulated ground at Windsor Park, and Tom Elliott and the other supporter of Ballinamallard jointly chanted something offensive about the SDLP in the context of a regulated football match in a regulated ground. I think the chances of seeing a scenario that would put Conall McDevitt at any risk in those circumstances are fairly remote.

However, dealing with sectarian chanting in the context of football is a serious matter. I was distinctly surprised that the matter is of such concern to Ulster Unionist Members as it was only raised in the Chamber yesterday evening during the formal Consideration Stage of the Bill. I had a conversation early yesterday with a senior Ulster Unionist member in the Corridors of this Building who expressed concern about another aspect of the Bill. That is the kind of thing that people do: if there is an issue, they go to see the Minister, raise the problems and see what can be done and what the possibilities are.

Indeed, there are a number of conversations going on around the Chamber at the moment that may be related to such matters. However, what one does not do, if one is absolutely genuine about something and has a real concern, is wait until the last possible moment and engage in grandstanding. The reality is quite clear; the issue has been around for ages.

Mr McNarry: Will the Member give way?

The Minister of Justice: The matter was raised back in the autumn during detailed consideration. The Committee carried out its detailed clause-by-clause consideration, and its report at page 142 states:

"The Committee considered a proposed amendment to Clause 38 from the Department of Justice to include sectarianism as had been requested by Committee Members."

When the Committee conducted its clause-by-clause consideration, that clause was approved without any Division. No member registered their vote against it; no member registered even that they wanted to abstain on the matter —

Mr McNarry: Will the Minister give way?

The Minister of Justice: — and yet, suddenly, it became a major issue in the House yesterday evening.

Mr McNarry: Will the Minister give way?

Mr Deputy Speaker: It is obvious that the Minister does not want to give way.

The Minister of Justice: I think that Mr McCrea wanted in first.

Mr McNarry: Thank you —

The Minister of Justice: Sorry. Mr McCrea was first, I think.

Mr B McCrea: I defer to Mr McNarry.

The Minister of Justice: OK.

Mr McNarry: Thank you. Will the Minister tell the House how many Divisions there were during the Committee's consideration of these amendments, rather than just referring to the one that seems to suit him? I am sure that information came back to him from the officials that, on most occasions, the Committee decided not to go to a Division. The Ulster Unionists on the Committee took a very similar position to that of Sinn Féin: we told the Chairman that we

reserved our position. Would it not be fair for the House to accept that the Ulster Unionist Party reserved its position until a day such as today or until Further Consideration Stage? That is precisely what we did.

We are unable to grasp an accurate definition of “sectarianism”. When we had the parades Bill, and when we did not have the wisdom of the Attorney General at that time, I asked the people who represented your Department at the time whether they could give a definition of “sectarianism”. They were unable to do so. In that short time, we have moved from the parades Bill, which was unable to give a definition of “sectarianism”, to a situation in which we now have your Department and you being clearly in a position to give a definition. Has the Minister sought advice from the Attorney General on a definition of “sectarianism” that his Department accepts? Is that definition open or closed to any legal challenge? I am unable to accept the definition of “sectarianism” as he interprets it. He rather flippantly interprets it on the basis of things that may not happen. What kind of law do you try to introduce on the basis that things may not happen? Who makes up their minds about who does those things?

I am grateful to the Minister for the time that he has allocated me for my intervention. Perhaps he will accept that the Ulster Unionist Party deferred its decisions in Committee in the main. That has been recorded. Perhaps he will understand our entitlement to address these issues today and at Further Consideration Stage.

Mr Deputy Speaker: I remind all Members that interventions should be short and to the point.

The Minister of Justice: I will remember that the next time I think of letting an Ulster Unionist in. I understand that there were something like 40 Divisions, which shows that there was a significant degree of engagement when the Committee considered the Bill. I was not present.

On the issue of the Ulster Unionist Party recording its reservations: page 141 of the Committee report shows that, on that day, Lord Empey and Mr David McNarry sent apologies for that meeting. They were not actually present when the issue was discussed, although I have not had the opportunity to check the report to see whether they were present when the Committee made a request about the issue. However, as I repeated earlier —

Mr B McCrea: Will the Minister give way?

The Minister of Justice: I gave way quite long enough to your colleague.

If somebody wants to have a serious discussion because they have concerns about an issue, they do it quietly. If they want to grandstand in this place, they are entitled to do it. However, they are not entitled to suggest that that is a serious way to address a concern that allows matters to be looked at in detail. If there is no way in which the issue is raised —

Mr Poots: On a point of order, Mr Deputy Speaker. It has just been relayed to the House that certain individuals were at a Committee and reserved their position on a particular issue. The Minister stated that those members did not attend the meeting. Is that a case of misleading the House? Will you look at the Hansard report and clarify the matter at a later point?

Mr Deputy Speaker: That was not a point of order; it was a point of information.

The Minister of Justice: To recognise the point that was made, I think that Mr McNarry was talking about the Ulster Unionist Party's general position that it wished to reserve its position. However, on this issue, it took no position; its members were not there; and they made no effort to raise the matter in a way that might have allowed it to have been considered between Committee Stage and Consideration Stage.

Mr B McCrea: Will the Minister give way?

The Minister of Justice: As I said, I gave way for quite long enough to the Member's colleague, who made a speech. I will not do it again.

The reality is that the Department and the Committee had a clear agreement, on which there was no division. Therefore, I presumed that the other three parties represented on the Committee were happy enough with the definition, not, as Mr McNarry highlighted —

Mr McNarry: *[Interruption.]*

The Minister of Justice: I am sorry, Mr Deputy Speaker; I am still trying to refer to points raised in previous interventions.

The Bill does not define sectarianism; it defines that, for the purposes of this section, chanting is of a sectarian nature. That is what it says; it is not an all-encompassing definition of

sectarianism. It is not an attempt to change Northern Ireland criminal law. It is a matter of dealing with a significant and serious problem at a minority of sporting events. It is an attempt to back up the good work being done by the IFA in conjunction with the Community Relations Council and by IFA and GAA representatives with others in the Unite Against Hate campaign. It reinforces good behaviour in the specific context of regulated sports events. Therefore, for the Ulster Unionist Party to suggest that it is unworkable or that it enlarges the law in a ridiculous way is simply not correct.

As Conall McDevitt said many hours ago, the Bill will set norms for sporting behaviour; norms with which Ulster Unionist Party Members profess to agree, yet they are not prepared to put them into law. There is a real issue with that, and I have no doubt that, if further legislation were to emerge that started to look to a definition of sectarianism, there will be robust debate in the House to ensure that the matter is covered properly.

1.00 pm

The Bill as introduced had the approval of the Department, the Executive and the Attorney General, and it was accepted as legitimate by the Speaker. Therefore, the fact that Basil McCrea described it this morning, on one of his many appearances on 'The Stephen Nolan Show', as a dog's breakfast is somewhat insulting to all those involved in producing a significant Bill to deal with the deficit that existed when devolution happened last year. The vast majority of the Bill has been agreed in good process between the Committee — at least with those members of the Committee who bothered to attend — and departmental officials. We have seen very significant engagement with a crowd of stakeholders, and huge issues have been covered in a meaningful and significant way. Therefore, to have that solid, constructive progress disrupted by a stunt by Ulster Unionist Members demeans the procedures of the House.

[Interruption.]

Mr Deputy Speaker: Order.

The Minister of Justice: I do not actually believe that Basil McCrea is sectarian, but, given the way in which he and his colleagues presented their arguments today and last night, there is a real danger that their party will be seen as being soft on sectarian behaviour. I believe,

unfortunately, that that is the reality. I said quite specifically and, if it pleases them, I repeat: I do not believe that they are sectarian, but they need to be very careful about their words and, in a few moments, their actions.

I urge the House to support the amendments in group 3 and to retain clauses 41 to 43.

Question, That amendment No 10 be made, put and agreed to.

Amendment No 11 made: In page 25, line 29, at end insert

"(e) in Chapter 6, to a match to which any of the paragraphs of that Schedule applies." — [The Minister of Justice (Mr Ford).]

Amendment No 12 made: In page 25, line 32, leave out from "two hours before" to end of line and insert

"one hour before the start of the match or (if earlier) one hour". — [The Minister of Justice (Mr Ford).]

Amendment No 13 made: In page 25, line 34, leave out "one hour" and insert "30 minutes". — *[The Minister of Justice (Mr Ford).]*

Amendment No 14 made: In page 25, line 38, leave out "two hours" and insert "one hour". — *[The Minister of Justice (Mr Ford).]*

Amendment No 15 made: In page 25, line 39, leave out "one hour" and insert "30 minutes". — *[The Minister of Justice (Mr Ford).]*

Clause 36, as amended, ordered to stand part of the Bill.

Clause 37 (Throwing of missiles)

Amendment No 16 made: In page 26, line 8, leave out "anything" and insert

"any article to which this subsection applies". — [The Minister of Justice (Mr Ford).]

Amendment No 17 made: In page 26, line 13, at end insert

"(1A) Subsection (1) applies to any article capable of causing injury to a person struck by it." — [The Minister of Justice (Mr Ford).]

Clause 37, as amended, ordered to stand part of the Bill.

Clause 38 (Chanting)

Amendment No 18 made: In page 26, line 22, leave out “an” and insert “a sectarian or”. — [The Minister of Justice (Mr Ford).]

Amendment No 19 proposed: In page 26, line 25, leave out “religious belief,”. — [The Minister of Justice (Mr Ford).]

Question put.

The Assembly divided: Ayes 38; Noes 39.

AYES

Mr Attwood, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr Brady, Mr Burns, Mr Butler, Mr Callaghan, Mr Dallat, Mr Doherty, Dr Farry, Mr Ford, Mr Gallagher, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lyttle, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone, Mr McLaughlin, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Mr Sheehan, Mr B Wilson.

Tellers for the Ayes: Ms Lo and Mr Lyttle.

NOES

Mr S Anderson, Mr Armstrong, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Cobain, Mr Craig, Mr Cree, Mr Easton, Mr Elliott, Lord Empey, Mr Frew, Mr Gibson, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Kinahan, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McFarland, Miss McIlveen, Mr McNarry, Mr McQuillan, Lord Morrow, Mr Poots, Ms Purvis, Mr G Robinson, Mr K Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir.

Tellers for the Noes: Mr Buchanan and Mr B McCrea.

Question accordingly negated.

Mr Deputy Speaker: Amendment No 20 is consequential to amendment No 18, which has been made.

Amendment No 20 proposed: In page 26, line 26, at end insert

“(3A) For the purposes of this section chanting is of a sectarian nature if it consists of or includes matter which is threatening, abusive or insulting to a person by reason of that person's religious belief or political opinion or to an individual as a member of such a group.” — [The Minister of Justice (Mr Ford).]

Question put.

The Assembly divided: Ayes 38; Noes 40.

AYES

Mr Attwood, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr Brady, Mr Burns, Mr Butler, Mr Callaghan, Mr Dallat, Mr Doherty, Dr Farry, Mr Ford, Mr Gallagher, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lyttle, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone, Mr McLaughlin, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Mr Sheehan, Mr B Wilson.

Tellers for the Ayes: Ms Lo and Mr Lyttle.

NOES

Mr S Anderson, Mr Armstrong, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Craig, Mr Cree, Mr Easton, Mr Elliott, Lord Empey, Mr Frew, Mr Gibson, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Kinahan, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McFarland, Miss McIlveen, Mr McNarry, Mr McQuillan, Lord Morrow, Mr Poots, Ms Purvis, Mr G Robinson, Mr K Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir.

Tellers for the Noes: Mr Buchanan and Mr B McCrea.

Question accordingly negated.

Clause 38, as amended, ordered to stand part of the Bill.

Clauses 39 and 40 ordered to stand part of the Bill.

Clause 41 (Being drunk at a regulated match)

Question put, That the clause stand part of the Bill.

The Assembly divided: Ayes 16; Noes 61.

AYES

Mr Attwood, Mr Buchanan, Mr Craig, Dr Farry, Mr Ford, Mr Frew, Mr Givan, Mr Humphrey, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCausland, Mr Poots, Mr Spratt, Mr Storey, Mr B Wilson.

Tellers for the Ayes: Ms Lo and Mr Lyttle.

NOES

Mr S Anderson, Mr Armstrong, Mr Bell, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr Brady, Mr Bresland, Lord Browne, Mr Burns, Mr Butler, Mr Callaghan, Mr Campbell, Mr T Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Cree, Mr Dallat, Mr Doherty, Mr Easton, Mr Elliott, Lord Empey, Mr Gallagher, Mr Gibson, Mr Hamilton, Mr Hilditch, Mrs D Kelly, Mr G Kelly, Mr Kinahan, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr McCallister, Mr F McCann, Mr McCartney, Mr B McCrea, Mr I McCrea, Mr McDevitt, Dr McDonnell, Mr McElduff, Mr McFarland, Mrs McGill, Mr McGlone, Miss McIlveen, Mr McLaughlin, Mr McNarry, Mr McQuillan, Lord Morrow, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Ms Purvis, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Mr G Robinson, Mr K Robinson, Mr Ross, Mr Sheehan, Mr Weir.

Tellers for the Noes: Mr O'Dowd and Mr G Robinson.

Question accordingly negatived.

Clause 41 disagreed to.

Clauses 42 and 43 disagreed to.

Clause 44 (Offences in connection with alcohol on vehicles)

Amendment No 21 made: In page 28, line 32, leave out “or from”. — [The Minister of Justice (Mr Ford).]

Amendment No 22 made: In page 29, line 6, leave out subsection (5). — [The Minister of Justice (Mr Ford).]

Amendment No 23 made: In page 29, line 15, leave out paragraph (c). — [The Minister of Justice (Mr Ford).]

Clause 44, as amended, ordered to stand part of the Bill.

Clause 45 disagreed to.

Clauses 46 to 48 ordered to stand part of the Bill.

Clause 49 (Banning orders: “violence” and “disorder”)

Amendment No 24 made: In page 33, line 6, after “up” insert “sectarian hatred or”. — [The Minister of Justice (Mr Ford).]

Amendment No 25 proposed: In page 33, line 8, leave out “religious belief,”. — [The Minister of Justice (Mr Ford).]

Question put and negatived.

Mr Deputy Speaker: Amendment No 26 is consequential to amendment No 24, which has been made.

Amendment No 26 proposed: In page 33, line 14, leave out subsection (3) and insert

“(3) For the purposes of this section sectarian hatred is hatred against a group of persons defined by reference to religious belief or political opinion or against an individual as a member of such a group.” — [The Minister of Justice (Mr Ford).]

Question put.

The Assembly divided: Ayes 37; Noes 41.

AYES

Mr Attwood, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr Brady, Mr Burns, Mr Butler, Mr Callaghan, Mr Dallat, Mr Doherty, Dr Farry, Mr Ford, Mr Gallagher, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lyttle, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone, Mr McLaughlin, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Mr Sheehan, Mr B Wilson.

Tellers for the Ayes: Ms Lo and Mr Lyttle.

NOES

Mr S Anderson, Mr Armstrong, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Craig, Mr Cree, Mr Easton, Mr Elliott, Lord Empey, Mr Frew, Mr Gibson, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McFarland, Miss McIlveen, Mr McNarry, Mr McQuillan, Lord Morrow, Ms Purvis, Mr G Robinson, Mr K Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr S Wilson.

Tellers for the Noes: Mr Buchanan and Mr B McCrea.

Question accordingly negatived.

Clause 49, as amended, ordered to stand part of the Bill.

Clauses 50 to 59 ordered to stand part of the Bill.

Mr Deputy Speaker: The Consideration Stage of the Justice Bill has some time to run yet. The Business Committee has agreed that the sitting may suspend for 30 minutes. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.30 pm.

The sitting was suspended at 1.55 pm.

On resuming (Mr Deputy Speaker [Mr McClarty] in the Chair) —

2.30 pm

Mr Deputy Speaker: We now come to the fourth group of amendments, which deal with the treatment of offenders and alternatives to prosecution. With amendment No 27, it will be convenient to debate amendment No 28.

New clause

The Minister of Justice: I beg to move amendment No 27: After clause 59, insert the following new clause:

“Sexual offences: review of indefinite notification requirements

59A.—(1) *The Sexual Offences Act 2003 (c. 42) is amended as follows.*

(2) *In section 82 (the notification period) at the end insert—*

‘(7) Schedule 3A (which provides for the review and discharge of indefinite notification requirements) has effect.’.

(3) *After Schedule 3 insert the following Schedule—*

‘SCHEDULE 3

REVIEW OF INDEFINITE NOTIFICATION REQUIREMENTS

Introductory

1.—(1) *This Schedule applies to a person who, on or after the date on which section (Sexual offences: review of indefinite notification requirements) of the Justice Act (Northern Ireland) 2011 comes into operation, is subject to the notification requirements for an indefinite period.*

(2) *A person to whom this Schedule applies is referred to in this Schedule as “an offender”.*

(3) *In this Schedule—*

“sexual harm” means physical or psychological harm caused by an offender doing anything which would constitute an offence listed in Schedule 3 if done in any part of the United Kingdom;

“the notification requirements” means the notification requirements of Part 2 of this Act;

“relevant event”, in relation to an offender, is a conviction, finding or notification order which made the offender subject to the notification requirements for an indefinite period.

Initial review: applications

2.—(1) Except as provided by sub-paragraph (2), an offender may, at any time after the end of the initial review period, apply to the Chief Constable to discharge the offender from the notification requirements.

(2) Sub-paragraph (1) does not apply at any time when—

(a) the offender is also subject to a sexual offences prevention order; or

(b) the offender is also subject to the notification requirements for a fixed period which has not expired.

(3) Subject to sub-paragraph (4), the initial review period is—

(a) in the case of an offender under the age of 18 at the date of the relevant event, 8 years beginning with the date of initial notification;

(b) in the case of any other offender, 15 years beginning with the date of initial notification.

(4) In calculating the initial review period—

(a) in a case where an offender is subject to the notification requirements for an indefinite period as a result of two or more relevant events, the calculation is to be made by reference to the later or latest of those events;

(b) in any case, there is to be disregarded any period during which the offender is, in connection with a relevant event—

(i) remanded in, or committed to, custody by an order of a court;

(ii) in custody serving a sentence of imprisonment or detention; or

(iii) detained in a hospital.

(5) The date of initial notification is—

(a) in the case of an offender who is subject to the notification requirements for an indefinite period by virtue of section 81, the date by which the offender was required to give notification under section 2(1) of the Sex Offenders Act 1997;

(b) in the case of any other offender, the date by which the offender is required to give notification under section 83(1) (or would be so required but for the fact that the offender falls within an exception in section 83(2) or (4)).

(6) An application under this paragraph must be in writing and must include—

(a) the name, address and date of birth of the offender;

(b) the name and address of the offender at the date of each relevant event (if different);

(c) the date of each relevant event, and (where a relevant event is a conviction or finding) the court by or before which, the conviction or finding occurred,

(d) any information which the offender wishes to be taken into account by the Chief Constable in determining the application.

(7) The Chief Constable may, before determining any application, request information from any body or person which the Chief Constable considers appropriate.

Initial review: determination of application

3.—(1) On an application under paragraph 2 the Chief Constable shall discharge the notification requirements unless the Chief Constable is satisfied, on the balance of probabilities, that the offender poses a risk of sexual harm to the public, or any particular members of the public, in the United Kingdom.

(2) In deciding whether that is the case, the Chief Constable must take into account—

(a) the seriousness of the offence or offences—

(i) of which the offender was convicted,

(ii) of which the offender was found not guilty by reason of insanity,

(iii) in respect of which the offender was found to be under a disability and to have done the act charged, or

(iv) in respect of which (being relevant offences within the meaning of section 99) the notification order was made,

which made the offender subject to the notification requirements for an indefinite period;

(b) the period of time which has elapsed since the offender committed the offence or offences;

(c) whether the offender has committed any offence under section 3 of the Sex Offenders Act 1997 or under section 91 of this Act;

(d) the age of the offender at the time of the decision;

(e) the age of the offender at the time any offence referred to in paragraph (a) was committed;

(f) the age of any person who was a victim of any such offence (where applicable) and the difference

in age between the victim and the offender at the time any such offence was committed;

(g) any convictions or findings made by a court in respect of the offender for any other offence listed in Schedule 3;

(h) any caution which the offender has received for an offence which is listed in Schedule 3;

(i) whether any criminal proceedings for any offences listed in Schedule 3 have been instituted against the offender but have not concluded;

(j) any assessment of the risk posed by the offender which has been made by any of the agencies mentioned in Article 49(1) of the Criminal Justice (Northern Ireland) Order 2008 (risk assessment and management);

(k) any other information relating to the risk of sexual harm posed by the offender to the public, or any particular members of the public, in the United Kingdom;

(l) any information presented by or on behalf of the offender which demonstrates that the offender does not pose a risk of sexual harm to the public, or any particular members of the public, in the United Kingdom; and

(m) any other matter which the Chief Constable considers to be appropriate.

(3) The functions of the Chief Constable under this paragraph may not be delegated by the Chief Constable except to a police officer not below the rank of superintendent.

Initial review: notice of decision

4.—(1) The Chief Constable must, within 12 weeks of the date on which an application under paragraph 2 is received, comply with this paragraph.

(2) If the Chief Constable discharges the notification requirements—

(a) the Chief Constable must serve notice of that fact on the offender, and

(b) the offender ceases to be subject to the notification requirements on the date of service of the notice.

(3) If the Chief Constable decides not to discharge the notification requirements—

(a) the Chief Constable must serve notice of that decision on the offender; and

(b) the notice must—

(i) state the reasons for the decision; and

(ii) inform the offender of the effect of paragraphs 5 and 6.

Initial review: application to Crown Court

5.—(1) Where—

(a) the Chief Constable fails to comply with paragraph 4 within the period specified in paragraph 4(1), or

(b) the Chief Constable serves a notice under paragraph 4(3),

the offender may apply to the Crown Court for an order discharging the offender from the notification requirements.

(2) An application under this paragraph must be made within the period of 21 days beginning—

(a) in the case of an application under sub-paragraph (1)(a), on the expiry of the period mentioned in paragraph 4(1);

(b) in the case of an application under sub-paragraph (1)(b), on the date of service of the notice under paragraph 4(3).

(3) Paragraph 3(1) and (2) applies in relation to an application under this paragraph as it applies to an application under paragraph 2, but as if references to the Chief Constable were references to the Crown Court.

(4) The Chief Constable and the offender may appear or be represented at any hearing in respect of an application under this paragraph.

(5) Where an application under this paragraph is determined, the appropriate officer of the Crown Court must send a copy of the order made by the Crown Court to the offender and the Chief Constable.

Further reviews

6.—(1) Except as provided by sub-paragraph (2), where a notice is served on an offender under paragraph 4(3) or 5(5), the offender may, at any time after the end of a further review period, apply to the Chief Constable to discharge the offender from the notification requirements.

(2) Sub-paragraph (1) does not apply at any time when—

(a) the offender is also subject to a sexual offences prevention order; or

(b) the offender is also subject to the notification requirements for a fixed period which has not expired.

(3) A further review period is the period of 5 years beginning on the date of service of a notice (or the last notice) served on the offender under paragraph 4(3) or 5(5).

(4) Paragraphs 2(6) and (7), 3, 4 and 5 apply with appropriate modifications to an application under this paragraph as they apply to an application under paragraph 2; and a reference in this Schedule to a provision of paragraph 4 or 5 includes a reference to that provision as applied by this sub-paragraph.

Discharge in Scotland

7.—(1) An offender who is, under corresponding legislation, discharged from the notification requirements by a court, person or body in Scotland is, by virtue of the discharge, also discharged from the notification requirements as they apply in Northern Ireland.

(2) In subsection (1) “corresponding legislation” means legislation which makes provision corresponding to that made by this Schedule for an offender who is subject to the notification requirements as they apply in Scotland for an indefinite period to be discharged from those notification requirements.”

The following amendment stood on the Marshalled List:

No 28: In clause 82, page 48, line 18, at end insert

“(5A) No order may be made under subsection (5) unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.” —
[The Minister of Justice (Mr Ford).]

The Minister of Justice: Amendment No 27 brings a change to the law on sex offender notification, more commonly known as the sex offender register, as a result of a Supreme Court ruling last year. The amendment will add a provision to the Sexual Offences Act 2003 as it applies to Northern Ireland. The current law attaches notification requirements for an indefinite period to offenders who have been sentenced to 30 months or more for a sexual offence. The judgement of the Supreme Court found that that indefinite period of notification, without the prospect of any review, is incompatible with article 8 of the European Convention on Human Rights, relating to the right to private and family life.

That judgement has implications for the law in all three jurisdictions of the UK. Scotland has already brought in remedial legislation.

Proposals for England and Wales were the subject of some debate in Westminster last week. We have responded to the judgement in a way that will not weaken the effectiveness of the notification arrangements. No offender will be discharged from his duty where there is any concern that he continues to pose a risk of harm. The amendment will simply provide an avenue for offenders to apply to the police for removal of the notification requirements after a period of 15 years from the date of release from prison. That period will be reduced to eight years if the offender was under 18 at the time of conviction.

The bar for removal is set at a high level. The police will discharge the notification requirements only if the offender no longer continues to pose a risk of sexual harm to the public. The criteria for determining the application are set out in detail in the legislation. The police have been fully consulted on the legislative proposals to ensure that there will be no increase in risk to the public. However, we have also decided, in the interests of meeting the demands of the court judgement, that, if the police decide not to discharge the requirements, the offender will be able to make an application to the Crown Court for a review of his case. Failing that, a further application to the police can be made in five years' time. I am content that that legislative change meets fully the requirements of the Supreme Court judgement while maintaining the contribution to public protection for which the original legislation was designed. I believe that that is the fundamental principle on which that legislative change should be judged, which is that we are maintaining public protection consistent with the Supreme Court judgement. There will be no question of anyone being released from the notification requirements without full assessment of their application after a minimum period of 15 years.

Amendment No 28 actions a recommendation from the Examiner of Statutory Rules and the Committee for Justice, so that the Order-making power in clause 82(5) is subject to the affirmative procedure. Clause 82 makes provision for the mandatory production of a code of practice for the use of conditional cautions. It provides that such a code may not be published or amended without the consent of the Attorney General. The amendment ensures that, once consent is received, the code of practice will be laid before and approved by a resolution of the

Assembly before being brought into operation by Order. Amendment No 28 makes that change in clause 82 and has a consequential effect on clause 103, which is amended by amendment No 44, to which we will return.

The Chairperson of the Committee for Justice:

During Committee Stage, the Department advised the Committee of its intention to introduce new provisions on sex offender notification as amendments at Consideration Stage. Given the Supreme Court ruling that indefinite notification requirements attached to sex offenders who had been sentenced to 30 months or more imprisonment were incompatible with article 8 of the European Convention on Human Rights, there appears to be no choice but to table an amendment to provide for a review mechanism as described by the Minister. Given that necessity, the Committee will support the inclusion of a new clause.

The Committee supports Part 6 of the Bill, which provides for two divisionary disposals — penalty notices and conditional cautions — aimed at dealing effectively, outside the courtroom, with minor offences. In suitable cases, those may be offered to offenders as an alternative to prosecution, but offenders will retain the right to ask to have their case heard at court instead.

On the basis of advice that the Examiner of Statutory Rules provided on the delegated powers in the Bill, it is the Committee's view that the Order bringing the code of practice on the application of conditional cautions into operation should be subject to the affirmative procedure rather than to negative resolution. The current provision requires the code of practice to be laid before the Assembly in draft form, after which the Department may make an Order to bring the code into operation. That Order will be subject to negative resolution, and amendment No 28 will make the necessary change to require the code to be subject to the affirmative procedure. I welcome the Minister's willingness, at the Committee's request, to move that amendment.

Furthermore, now that I am on my feet, I ask the Minister to outline, in the light of the views that the Prime Minister and others expressed, whether his proposals reflect the absolute minimum that has to be done. I also ask him not to move the amendment today but to wait until Further Consideration Stage so that

Members and the Committee have another opportunity to consider the matter. However, when I talk about referring it to the Committee, I am not talking about some distant point in the future. The Committee will meet tomorrow afternoon, and it is its intention to have this item on the agenda so that it can give it its full consideration. I trust that the Minister will take on board what we are saying and will give our views some consideration. I also trust that he will not move the amendment at this time.

Ms Ní Chuilín: Go raibh maith agat, a LeasCheann Comhairle. I want to speak to amendment No 27, which will insert a new clause. I will reserve my remarks on other proposed amendments until the Committee meeting.

There has been recent speculation about the introduction of the proposed new clause, and I want to have it on the record that, until today, no view has ever been expressed that indicated to any Committee member that anyone was going to be soft on sexual offences. That was certainly the case in Committee, and I assume that that was the situation across the board. The new clause will be in the part of the Bill that deals with the treatment of offenders. The Department briefed the Committee on the amendment, which would look at a review of mechanisms that could assess sex offenders. The amendment would allow an offender to apply to the PSNI for a review of notification after 15 years or, if the offender was under 18 years of age at the time of conviction, after eight years. When the proposed amendment was brought to the Committee, members were content with it, simply because it contained checks and balances and because it would create strong accountability. Members were also content that the risk assessments that are in place will be retained. It will also be set against clear guidelines, which, I understand, will be produced. If he does not mind, I want the Minister to outline, as a point of information, how those guidelines will be brought forward.

Like the system that is in place now, which involves agencies that deal with the management of sexual offenders, the risk assessment process will involve a multi-agency approach. The conditions built into the review will look at the seriousness of the offence, whether the offender was found guilty by reason of insanity, whether he or she has committed any other offence under section 3 of the Sex

Offenders Act 1997 and at the age of the offender and, indeed, the victim at the time of the offence. Those are just a few examples. Proceedings for other offences listed in the schedule that have not been concluded against someone who is applying for the discharge will be taken into consideration. Above all else, as far as I can see, public safety is an important element of the proposed new clause. It will also look at the risk to the public of reoffending and at any other criteria that need to be considered as part of this or any other application.

I was content that an application for indefinite notification reviews could not be delegated to any PSNI officer other than the Chief Constable or to any officer below the rank of superintendent. I think that that was one of the safeguards that was included, and I was happy to see it.

As with any other legislation that is going through the House, if existing law needs to be strengthened, we should take any opportunities to do that in Committee. As it was presented, we were content that it would safeguard and enhance public safety. If the PSNI Chief Constable refuses an application, there is still the opportunity for the offender to go back to the courts after a period of time.

Amendment No 28 may be technical. However, as the Chairperson said in relation to the new clause, it is important that the affirmative resolution process is used so that any change or variation to it can only happen with the Assembly's consent. I support the introduction of the clause.

Mr B McCrea: I have serious reservations about this legislation. The Member who spoke previously mentioned that it had been brought through Committee and that we had been briefed. She said that there was general agreement and no particular objections. However, I looked at the minutes of the relevant meeting on the Committee's website. Mr Givan said:

"I agree to its inclusion although I probably do not support it. However, we have no choice".

The Chairperson said:

"It is Hobson's choice".

Ms Ní Chuilín said:

"Just because it is in our report does not mean that we like it".

That does not seem to be an overwhelming endorsement. I have to say that my concerns about it —

Ms Ní Chuilín: I thank the Member for giving way, as I appreciate that he is just starting. I understand that the Member has picked out various extracts of Committee minutes to make a point. However, to be fair, similar comments could be made about any part of the legislation. Members used the Committee process to express any reservations that they had. They used the Committee process to ask questions, particularly when officials were in attendance. I understand that the Member uses those extracts to make a point — particularly given that he appeared on a radio programme yet again — but the same could be said about any part of the Bill.

Mr B McCrea: I am not sure why I was so chastised by the Member. I am bringing to the attention of the Assembly the fact that there was not opinion that this was OK. *[Interruption.]*

Mr Deputy Speaker: Order.

Mr B McCrea: I hope to explain why there are difficulties with the legislation. I do not know whether other Members have had a chance to read the Supreme Court ruling, but I have had a look at it. Whether or not others have looked at it does not normally stop them — I suppose that they can make an opinion. All I can say is that what the Supreme Court stated is in black and white. Paragraphs 38 and 39 in the document are directly relevant. It does not state, for example, that there ought to be a review after 18 years, 15 years, five years or any particular time. All that it says is that there should be a review. Where did we get the great consideration for the timescale that would come forward? The Supreme Court found that it infringed article 8 of the European Convention on Human Rights, but it did so on a very narrow decision. It stated that there should be a review. I am all for having a review, but I wonder why it should be automatic that people can get a review and why a timescale for when it happens should be brought in.

2.45 pm

Mr O'Dowd: I thank the Member for giving way. I have actually taken the time to read the decision, but I did so through the eyes of a lay person. As the Member will be aware, Supreme Court rulings, in particular, are very detailed

and require a certain legal background. All Committees in the Assembly rely on the advice of Committee and departmental officials and other evidence sources.

The ruling said that there should be a review. However, given the timescale of the review as set out in legislation and particularly given that the Supreme Court said that that infringes on the right to privacy under article 8, is the Member saying that — I know that we have to be careful because the issue of sex offenders is a delicate and sensitive one — holding a review after 15 years is not reasonable? That is less than some people serve for a life sentence. If the Member would like to suggest another period after which we should hold a review, we would welcome hearing that.

Do not lambaste Committee members and Members in the Chamber because you are, in some way, more knowledgeable than us and because you have brought forward this wealth of knowledge today that we should have known all along. Like you, I read the ruling, but I did so through the eyes of a lay person.

Mr Deputy Speaker: Will the Member refer all his remarks through the Chair?

Mr B McCrea: Once again, I am surprised at the Member's tone. I have not lambasted anybody yet. I have only explained why I am concerned. When I looked through the minutes of the two Committee sessions on this issue, I was surprised to see how much concern was expressed about it by not only the party to my right but the party to my left. Committee members said that they felt a little bit bound by it. So, it appears that it would be appropriate for us to look at it a little further. I am not saying that I am a barrister; however, I am a Member of a legislative Assembly, and we are here to legislate. I think that we have to look at the legislation to see what it means.

Mr Givan: Will the Member give way?

Mr B McCrea: Mr Deputy Speaker, I was chastised by the Speaker for being a little too generous with my interventions earlier. However, I am doing my best to accommodate Members.

Mr Givan: I appreciate the Member's giving way. He is right about the grave concern that there was among Committee members, and I support his view that the issue should be given more consideration. That is why our party and

the Chairperson have requested that this is not moved, so that further consideration can be given to it in order to ensure that it is, as the Prime Minister David Cameron said, the ultimate bare minimum to comply with the Supreme Court ruling. I support what the Member is saying.

Mr B McCrea: I am grateful for the Member's intervention, and I concur with him. His point, which is a fair one, is recorded in the minutes. We are now at the stage where we want to raise issues such as whether this really is the bare minimum. We saw the outrage among the public about this. The reason why there are notification requirements for sexual offenders is that people are worried that those offenders will reoffend. In normal circumstances, there is a presumption of innocence after people have done their time for a crime, and the slate is, therefore, wiped clean so that it does not have any sort of hold on them in the future. The problem with offences of a sexual nature is that there is a possibility that people will reoffend, and that is why there are notification requirements for sexual offenders.

The Supreme Court judgement said:

"In this case the importance of the legislative objective has never been in doubt."

In other words, people understand that judges are not being soft in that regard. They know that the reason for having notification requirements is to prevent serious harm to members of the public, and I agree that having such requirements is the right way to do that. However, the Supreme Court ruling mentioned that just having a review does not mean that it will be successful.

One of my concerns about the legislation, which I think rather gilds the lily and takes things further than the Supreme Court said was necessary, is that it changes things about the time frame for offenders being brought forward for an automatic review. Who said that it should be that length of time? Why not make it 10 years, 30 years or whatever? Regardless of whatever length of time is felt to be appropriate, people need to have that debate and to come to a conclusion about the right way forward.

Another issue that keeps coming up is that under the legislation — I believe that this is a really fundamental point of law — the Chief Constable will carry out those reviews. All that the Supreme Court said was that a review

should be taken forward by judicial review. Perhaps other bodies, such as a parole body or a life-sentencing review, are technically trained in how to properly and professionally hold tribunals. The danger in doing it through the Chief Constable is that, good as he is at policing, he may not be best trained or resourced to carry out a tribunal review. Therefore, if he does that, the problem will then be that there will be a further judicial review of what the Chief Constable has said. To me, an unacceptable amount of resource has been put aside without giving the people responsible the necessary backup to do it.

As itemised in paragraph 3, the Chief Constable will have a lot of work to do. What happens if the person in question committed the original offence in a different jurisdiction, such as England, Wales or Scotland? Does the Chief Constable then have to go and find the details of the original offence? Of course the person making the application must provide details of what he or she has done. However, how do we know that those details are correct? There is a flaw in the legislation. That information must be able to be checked.

The other serious issue is that there seems to be a change in the burden of proof. Originally, it was that the applicant should be allowed to request a review. It was up to the applicant to say why they should not be on the sex offenders register. They had to make the case. It transpires in the legislation that that is now the other way around. The obligation is reversed, and it is now for the Chief Constable to make that decision. The Chief Constable is responsible for making those calls. If that is not the case, applicants can go to judicial review. That is the wrong way round. That makes it softer for the sex offender, because he can then challenge decisions in a different way.

The implications of all those things must be fully thought out. I am happy to accept the point that Mr Givan and Lord Morrow made; we should go back and look at this again in detail. We should review the existing judgement. If necessary, if we are not competent, we should get barristers or the proper authorities to look at it and tell us what case was actually being made. What is the case that we are trying to make?

I am a believer in human rights. However, human rights are done no justice at all if the public think that we are using them to let sex

offenders get off. This is not the way to go about it. People expect that, in these most difficult of crimes, our citizens and young people in particular will be protected. It behoves us all to make sure that we look at the issues in detail and make sure that the legislation is completely appropriate.

The new clause goes further than I think is necessary and puts huge burdens on the PSNI. The Minister said that he has been in consultation with the PSNI, but we are looking at this from a legislative point of view.

I will not go on, because I am hopeful that we will take the clause back. However, given that there was general concern in Committee and given that there was some indication that we could have more detail, I urge that we look again at the issue and do what is right for the people of Northern Ireland. We must not go soft on sex offenders, but we must find a way of giving them their appropriate rights.

Mr A Maginness: Together with other parties, we understand the necessity for the amendment. In principle, we are supportive of it. There are points of detail that could bear further scrutiny, and I hope that the Minister might accede to the invitation from the Chairperson of the Committee for it to look at the matter further.

The basic principle is that the legislation as it stands is incompatible with article 8 of the European Convention on Human Rights and must be amended. Some form of review system is necessary. Whether that should be after 15 years or another period is a matter for consideration and debate.

I take Mr McCrea's point about the review process, but I would have thought it more appropriate for it to be undertaken directly by the judiciary than the Chief Constable. I say that because of criticism made in past European cases. For example, the British Home Secretary established tariffs for prisoners given life sentences, and that was ruled to be incompatible with the European Convention.

I am not sure what the legal advice is on this, but it could well be that, if amendment No 27 is made, it could later be questioned or impugned under the European Convention, because this is, in a sense, part of sentencing. Although the notification period follows on from a person being convicted of or admitting to an offence and being sentenced to a custodial or other

sentence, it emanates from that sentence, so it could be deemed to be part of the sentence per se. If that is the case, it is a matter for a judicial body to determine. It may then be for a judicial body to review that element of it. That is an important point to look at. I have no answer to it, except to say that Mr McCrea has raised a relevant issue.

The Supreme Court has made a decision based on the European Convention on Human Rights, and we are obliged to follow that. The mechanism for doing so is a matter for debate. I am sure that the Minister is taking advice on that, and the issue could be further discussed in Committee.

Dr Farry: I will not detain the House for too long on this point, because there is probably a pragmatic consensus that the issue can be deferred and go back to the Committee for further exploration, with a view to returning to the issue at Further Consideration Stage. That said, this is something that we must do. As an Assembly, we have an obligation to ensure that our policies and practices are consistent with the European Convention on Human Rights — in this case article 8, which relates to the right to privacy. The legal challenge is there because our current situation is unsustainable. Although it may be difficult for us to face up to the issue, as a society based on the rule of law, which is in turn based on human rights, we must respond in kind.

I have a couple of points to make at this stage. First, it is important that Members avoid the temptation to play populism around issues regarding sex offenders. It is a difficult and sensitive issue, but it is one on which we need to have a sense of proportionality. We need to look to the wider public interest.

3.00 pm

The second point is about a review. I understand where Basil McCrea may well be coming from when he talked about a general review without dates being specified. There is a danger that that could become rather counterproductive because, if timescales are not specified, we could end up with in a situation in which, if there is a general right for a review, people may wish to try to test that after one or two years or something similar rather than waiting for what is defined in statute. That could lead to repeated legal challenges and judicial reviews of the system as opposed to having a degree

of certainty around it. Although it may not necessarily have to be eight or 15 years, the timescales that we choose have to reflect a sense of balance and realism. It may not be very early because that, clearly, would not be necessary. Equally, however, if the timescales for the review are set far into the future, it could be interpreted by a court as not meeting the spirit of the judgement that has been reached and would, in essence, make it impractical for reviews to take place.

The other thing to stress is that a review is a review. There is no automatic right for a review to be upheld in the sense of someone coming off and it simply being a procedural matter. That need not mean that people will come off the register after eight or 15 years. I am certainly happy for the issue to be returned to the Committee so that we can make sure that everyone is happy with the route that we have to go down. However, we should be under no illusions that this is something that we, as an Assembly, have to do and something that all the other jurisdictions in the United Kingdom are facing up to at the moment.

The Minister of Justice: I am grateful to the five Members who spoke for the variety of points that they raised. The points emphasised the genuine concerns that there are about the operation of the sex offender notification legislation. I re-emphasise that the primary purpose of the Department of Justice is to ensure the continued protection of the public from the risk that is posed by sex offenders. That is why I sought and received assurances from the police and other agencies involved that the mechanism for review will not interfere with their primary objective of preventing crime and managing risk.

The proposals were developed to ensure that cases remain subject to notification as long as there is a continuing risk of harm. Removal will happen only where the police judge, after an application has been made by the offender, that no further value is added to public safety by maintaining those requirements. We believe that amendment is a balanced response to the legal judgement of the Supreme Court on compatibility with human rights legislation. It affects all jurisdictions in the UK. Legislation is being introduced in all three jurisdictions, and action has to be taken broadly in parallel to comply with those requirements. We have different responses in that sense, but they are

on the same broad basis. Our process tasks the police to make the decision on the basis of detailed criteria involving consultation with all the other relevant agencies. If turned down, the offender can then apply for a court review. The bar is set at a high level, even after the relatively long time period of 15 years. I believe that that provides the right balance of fairness between ensuring that the public benefit from the additional protection that is offered by notification arrangements and allowing the offender to have the requirement lifted if they no longer pose a risk.

I will now refer to some of the points that were made in Members' contributions. Lord Morrow referred to views that were recently expressed by the Prime Minister and talked about whether we are getting the absolute minimum that may be necessary to comply with the Supreme Court judgement. All that I can say in response is that there has been close engagement between the three jurisdictions. Scotland has legislated, and England and Wales will soon do so. Given the fact that we are on the same election timetable as Scotland, there is a degree of urgency about being seen to be complying with the Supreme Court ruling. The election would disrupt any possibility of delaying it significantly.

Carál Ní Chuilín outlined a number of the positives about the approach that was adopted and the way in which it was considered in the Committee. She asked me about guidelines. Certainly, there is a case for guidelines to be developed in conjunction with all the relevant agencies.

Although those decisions will be taken by the Chief Constable and, as she highlighted, they cannot be delegated to a rank lower than superintendent, if we look at paragraph 2(7) of the proposed new schedule, we can see that it is absolutely clear that:

"The Chief Constable may, before determining any application, request information from any body or person which the Chief Constable considers appropriate."

It is obvious, therefore, that agencies, such as the Probation Board, that have a significant role in the management of offenders in the community will have an involvement, and we have an assurance from those concerned that they will be able to manage that.

I shall give a brief word of comparison with the other two jurisdictions. In Scotland, the legislation has the same 15-year time limit for the potential removal of an offender from the register. However, the obligation there to initiate the process is on the police. Our process is designed to commence on application by the offender after 15 years or more. In that sense, it is somewhat harder than in Scotland. In England and Wales, legislation has not yet been developed, but my understanding is that they will similarly operate on the basis of decisions taken by the police. However, they will not have the formal appeal mechanism to the Crown Court that we will have, with the result that, potentially, they may face endless judicial reviews, which are time-consuming, do not fit the standard pattern and are much more difficult and expensive to administer than the appeal process that we have set out.

In answer to some of Basil McCrea's points, the 15-year decision time is there because the three jurisdictions, using lawyers much brighter than me — Mr McCrea admitted this morning that he is not a barrister — determined that that is an appropriate timescale in which to operate. In that sense, it is seen as the bare minimum.

We could debate whether the legislation will place burdens on the Chief Constable to carry out his functions. All I can say is that, if the Chief Constable tells me that the police can do it, in conjunction with the Probation Board and others, it seems to me that that is the answer that the Assembly requires. Given that we are talking about potentially something like 20 people applying for review every year, it is not a massively significant resource issue.

Mr McCrea also raised issues about cross-jurisdictional applications. Frankly, that applies in all kinds of ways, not just in criminal law but in matters of mental health and family law, so it will not create particular difficulties for us. Dealing with applications in the first instance by the Chief Constable but with a clear right of appeal to the Crown Court will address the concerns raised by Mr Maginness and Mr McCrea. The Chief Constable will not be convening a tribunal; his duty will be to make a determination on the basis of evidence presented. If a tribunal is required, it will be carried through by the Crown Court.

I believe that we have already addressed a number of the concerns that have been raised.

Nonetheless, I recognise that there are other concerns, some of which were expressed by members of the Committee and some by those outside the Committee. On that basis, I am happy to accede to Lord Morrow's request that the Committee be given time to consider the matter, although I will hold him to the offer that he made in that, in reality, unless the Committee arranges a further meeting early next week, the only time available to it before Further Consideration Stage will be tomorrow's meeting. On that basis, it is right for the Committee to have an opportunity to consider Members' comments and comments that may be made by others to see whether it has further thoughts, although, at this stage, it is difficult to see that it will be possible to agree anything significantly different from the current proposals in amendment No 27. Nevertheless, I am certainly happy to allow the Committee the opportunity for further examination tomorrow. On that basis, although I will continue to support amendment No 28, at this stage, I beg to ask leave to withdraw amendment No 27.

Mr Deputy Speaker: The Minister has sought leave to withdraw amendment No 27.

Amendment No 27, by leave, withdrawn.

Clauses 60 to 81 ordered to stand part of the Bill.

Clause 82 (Code of Practice)

Amendment No 28 made: In page 48, line 18, at end insert

"(5A) No order may be made under subsection (5) unless a draft of the order has been laid before, and approved by a resolution of, the Assembly." — [The Minister of Justice (Mr Ford).]

Clause 82, as amended, ordered to stand part of the Bill.

Clauses 83 and 84 ordered to stand part of the Bill.

Clause 85 (Eligibility for criminal legal aid)

Mr Deputy Speaker: We now come to the fifth group of amendments, which deals with legal aid and solicitor advocates. With amendment No 29, it will be convenient to debate amendment Nos 30, 31, 32, 64 and 65.

The Minister of Justice: I beg to move amendment No 29: In page 49, line 34, at end insert

"(4) In Article 36 (rules as to legal aid in criminal cases) for paragraph (4) substitute—

'(4) Except as provided by paragraph (5), rules under this Article are subject to negative resolution.

(5) The rules to which paragraph (6) applies shall not be made unless a draft of the rules has been laid before, and approved by a resolution of, the Assembly.

(6) This paragraph applies to the first rules under this Article which—

(a) are made after the coming into operation of section 85 of the Justice Act (Northern Ireland) 2011; and

(b) contain any provision made by virtue of Article 31, as substituted by that section.'"

The following amendments stood on the Marshalled List:

No 30: After clause 91, insert the following new clause:

"PART 8

SOLICITORS' RIGHTS OF AUDIENCE

Authorisation of Society conferring additional rights of audience

91A.—(1) The Solicitors (Northern Ireland) Order 1976 (NI 12) is amended as follows.

(2) In Article 6 (regulations as to the education, training, etc. of persons seeking admission or having been admitted as solicitors) after paragraph (1) insert—

'(1A) The Society shall make regulations with respect to the education, training or experience to be undergone by solicitors seeking authorisation under Article 9A.'

(3) After Article 9 insert—

'Authorisation of Society conferring additional rights of audience

9A.—(1) A person who is qualified to act as a solicitor may apply to the Society for an authorisation under this Article.

(2) An application under paragraph (1)—

(a) shall be made in such manner as may be prescribed;

(b) shall be accompanied by such information as the Society may reasonably require for the purpose of determining the application; and

(c) shall be accompanied by such fee (if any) as may be prescribed.

(3) At any time after receiving the application and before determining it the Society may require the applicant to provide it with further information.

(4) The Society shall grant an authorisation under this Article if it appears to the Society, from the information furnished by the applicant and any other information it may have, that the applicant has complied with the requirements applicable to him by virtue of regulations under Article 6(1A).

(5) An authorisation granted to a person under this Article ceases to have effect if, and for so long as, that person is not qualified to act as a solicitor.

(6) The Society may by regulations provide that any person who has completed such education, training or experience as may be prescribed, before such date as may be prescribed shall be taken to hold an authorisation granted under this Article.’

(4) In Article 10 (practising certificates and register of practising solicitors) after paragraph (2C) insert—

‘(2D) Every entry in the register shall include details of any authorisation granted under Article 9A to the solicitor to whom the entry relates.’ — [The Minister of Justice (Mr Ford).]

No 31: After clause 91, insert the following new clause:

“Rights of audience of solicitors

91B.—(1) In section 106 of the Judicature (Northern Ireland) Act 1978 (c. 23) (rights of audience in the High Court and Court of Appeal) after subsection (3) insert—

‘(3A) A solicitor who holds an authorisation under Article 9A of the Solicitors (Northern Ireland) Order 1976 shall have the same right of audience in any proceedings in the High Court or Court of Appeal as counsel in those courts and any such right is in addition to any right of audience which a solicitor would have apart from this subsection.’

(2) After Article 40 of the Solicitors (Northern Ireland) Order 1976 (NI 12) insert—

‘Duty to advise client as to representation in court

40A.—(1) Paragraph (2) applies where—

(a) it appears to a solicitor that a client requires, or is likely to require, legal representation in any proceedings in the High Court or the Court of Appeal;

(b) either—

(i) that solicitor is minded to arrange for another solicitor who is an authorised solicitor to provide that representation; or

(ii) that solicitor is an authorised solicitor and is minded to provide that representation; and

(c) in representing that client in the High Court or Court of Appeal, a solicitor would need to exercise the right of audience conferred by section 106(3A) of the Judicature (Northern Ireland) Act 1978.

(2) The solicitor must advise the client in writing—

(a) of the advantages and disadvantages of representation by an authorised solicitor and by counsel, respectively; and

(b) that the decision as to whether an authorised solicitor or counsel is to represent the client is entirely that of the client.

(3) The Society shall make regulations with respect to the giving of advice under paragraph (2).

(4) A solicitor shall—

(a) in advising a client under paragraph (2), act in the best interest of the client; and

(b) give effect to any decision of the client referred to in paragraph (2)(b).

(5) For the purposes of this Article compliance with paragraph (2) in relation to any proceedings in a court in any cause or matter is to be taken to be compliance with that paragraph in relation to any other proceedings in that court in the same cause or matter.

(6) If a solicitor contravenes this Article, any person may make a complaint in respect of the contravention to the Tribunal.

(7) In this Article and Article 40B “authorised solicitor” means a solicitor who holds an authorisation under Article 9A.

Duty to inform court as to compliance with Article 40A(2)

40B.—(1) Where—

(a) a solicitor has complied with Article 40A(2) in relation to the representation of a client in any proceedings in the High Court or Court of Appeal;

(b) that client is to be represented in those proceedings by an authorised solicitor; and

(c) in representing that client in those proceedings the authorised solicitor would need to exercise the right of audience conferred by section 106(3A) of the Judicature (Northern Ireland) Act 1978,

the solicitor shall inform the High Court or (as the case may be) the Court of Appeal of the fact mentioned in sub-paragraph (a) in such manner and before such time as rules of court may require.

(2) For the purposes of this Article compliance with paragraph (1) in relation to any proceedings in a court in any cause or matter is to be taken to be compliance with that paragraph in relation to any other proceedings in that court in the same cause or matter.

(3) If a solicitor contravenes paragraph (1), any person may make a complaint in respect of the contravention to the Tribunal.’

(3) In Article 50 of the County Courts (Northern Ireland) Order 1980 (NI 3) (rights of audience) in paragraph (1)(c) omit the words ‘, but not a solicitor retained as an advocate by a solicitor so acting’.

— [The Minister of Justice (Mr Ford).]

No 32: After clause 91, insert the following new clause:

“Consequential and supplementary provisions

91C.—(1) In Article 75 (regulations) of the Solicitors (Northern Ireland) Order 1976 (NI 12) after paragraph (2) insert—

‘(2A) Regulations under Article 6(1A), 9A(6) or 40A(3) also require the concurrence of the Department of Justice, given after consultation with the Attorney General.

(2B) The Department of Justice shall not grant its concurrence to any regulations under Article 6(1A) or 9A(6) unless regulations have been made under Article 40A(3) and are in operation.’

(2) The Department may by order make such amendments to—

(a) the Criminal Appeal (Northern Ireland) Act 1980 (c. 47),

(b) the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8),

(c) the Access to Justice (Northern Ireland) Order 2003 (NI 10),

(d) section 184 of the Extradition Act 2003 (c. 41),

as appear to the Department to be necessary or expedient in consequence of, or for giving full effect to, the provisions of this Part.” — [The Minister of Justice (Mr Ford).]

No 64: In schedule 7, page 87, line 38, at end insert

“PART 4

SOLICITORS’ RIGHTS OF AUDIENCE

Short Title	Extent of repeal
The County Courts (Northern Ireland) Order 1980 (NI 3).	In Article 50(1)(c), the words ‘, but not a solicitor retained as an advocate by a solicitor so acting’.

— [The Minister of Justice (Mr Ford).]

No 65: In the long title, after “legal aid;” insert

“to confer additional rights of audience of certain solicitors;”. — [The Minister of Justice (Mr Ford).]

The Minister of Justice: Amendment No 29 relates to clause 85, which deals with legal aid. I will also speak to the other amendments in the group, which seek to introduce powers to extend solicitors’ rights of audience in the higher courts in Northern Ireland.

Clause 85 provides for the introduction of a fixed financial threshold to be applied by the judiciary when granting criminal legal aid to defendants at the Magistrate’s Court and, on appeal, to the County Court. Although there is currently a means test for criminal legal aid in those courts, there are no fixed limits. That can lead to disparity in how legal aid is granted in the courts. It is hoped that the introduction of a fixed financial limit will help to target legal aid at those who need it most and make it easier for practitioners to determine whether their clients are likely to be eligible for legal aid.

I agree with the Committee that any proposals for a fixed means test should undergo close scrutiny before implementation. The Committee is content to include an enabling clause in the Bill. However, given the potential impact on access to justice, the Committee and I wish to ensure that any rules arising from that power will be subject to draft affirmative procedure rather than to negative resolution. Therefore, I propose amendment No 29 to provide for affirmative procedure when the rules in the clause are being considered for the first time. The negative procedure will apply to any subsequent amendments. The Committee is in agreement that amendment No 29 provides for full and rigorous scrutiny of the principle and procedures for the introduction of a fixed means test for criminal legal aid and, therefore, addresses its main concern.

I will now address the amendments that relate to solicitors’ rights of audience. As the House

will recall, I advised at Second Stage that it had not proved possible to resolve some competence issues relating to the relevant clauses in time for inclusion in the Bill on its introduction but that I hoped to introduce provisions at this stage. I am now pleased to bring those clauses before the House by way of amendment Nos 30, 31, 32, 64 and 65. They are intended to give effect to the Bain recommendations to extend solicitors' rights of audience for suitably qualified solicitors in the higher courts. It is intended that that will give the public a wider choice of legal representation and enhance the provision of legal services in Northern Ireland.

My Department has engaged extensively with key stakeholders and worked closely with the Attorney General in developing the provisions. The Attorney General has stated formally that the clauses are within the legislative competence of the Assembly. Although it was content with the general principle of affording the public a wider choice of legal representation, the Committee did not have sufficient time to reach a view on the detail of the proposed new clause. I thank Committee members for their comments about and consideration of the amendment.

At present, solicitors in Northern Ireland enjoy unlimited rights of audience in the Crown Court, County Courts, Magistrate's Courts and tribunals. There are, however, restrictions placed on solicitors appearing at the High Court and the Court of Appeal, where, effectively, they may appear only in an insolvency matter, in chambers or where counsel is unavailable. The proposed new clauses create a system of authorisation for solicitors who wish to exercise extended rights of audience in the High Court and the Court of Appeal.

A solicitor may apply to the Law Society for authorisation. It will then be for the Law Society to decide how such an application is made, whether a fee is payable and what information the society requires. The new clauses will also require the Law Society to make regulations that set out the education, training or experience requirements that a solicitor must possess before it can grant authorisation. Those Law Society regulations will require the concurrence of my Department, given after consultation with the Attorney General.

A solicitor who holds authorisation will have the same rights of audience as counsel in the High Court and Court of Appeal.

3.15 pm

The clauses also contain a range of measures designed to ensure that competition for advocacy services is maintained and that conflicts of interest are prevented. They include the creation of a duty for a solicitor to advise the client in writing of the options available for representation in the High Court and the Court of Appeal. The detail of the matters covered by that advice is to be prescribed by the Law Society in regulations, which will require the concurrence of my Department, to be given after consultation with the Attorney General.

The measures will require a duty to act in the best interests of the client when providing that advice and to give effect to the decision of the client. There will be a duty to inform the courts, in a way and timescale that is provided by court rules, that they have complied with those requirements and that the client has been advised accordingly. Provision must be made to ensure that a complaint can be made to the solicitors' disciplinary tribunal where there has been an alleged breach of those requirements. The clauses also give my Department an order-making power to make technical amendments to certain legal aid primary legislation to take account of the extension of solicitors' rights of audience. Those orders will be subject to negative resolution procedure.

Implementing the rights of audience provisions has no cost implications for the legal aid fund. The proposal has been screened and is considered to be convention compliant. I recommend the amendments to the House.

The Chairperson of the Committee for Justice:

Amendment No 29 provides for rules, when introduced for the first time as a result of clause 85, to be subject to affirmative procedure in the Assembly rather than negative resolution procedure, as is envisaged by the clause as it stands. The amendment has been tabled by the Minister at the request of the Committee.

Clause 85, which allows for the introduction of a fixed means test for criminal legal aid, attracted a range of responses in the evidence gathered by the Committee during Committee Stage. Many responses outlined concerns regarding implementation of the policy. Views included

the need for the levels of eligibility to be set appropriately to ensure effective representation for those who appear before the courts, the need for the interests of justice test to take precedence over means testing and clarification of the likely costs of the administrative arrangements as the potential for savings may outweigh the likely delays and increased administration.

The Committee received a briefing on the results of research commissioned by the Department into the impact of introducing a new means test for criminal legal aid. That research indicated that significant savings could be achieved only by reductions in the eligibility rate of 10% or more. The Minister made it clear to the Committee that proposals for a fixed means test would require close scrutiny prior to possible implementation, and, in his view, the option of introducing a fixed means test for criminal legal aid should, therefore, be kept open through the provision of that enabling clause.

The Committee is content to provide for this enabling clause in the Bill, but, given the impact on access to justice that the introduction of a fixed means test for criminal legal aid could have, it wants to ensure that rules arising from this power are subject to an appropriate level of control by the Assembly. It is the Committee's position that the draft affirmative procedure for the introduction of rules under this clause for the first time, rather than the negative resolution procedure, will provide that control. Amendment No 29, therefore, will provide for full and rigorous scrutiny of the principle and procedures for the introduction of a fixed means test for criminal legal aid by requiring full public and Committee consultation followed by an Assembly debate on the issue.

The Committee also notes the intention of the Minister of Justice to undertake a wider review of legal aid rule-making and notes his commitment to bring his proposals for such a review to the Committee and conclude it before any substantive proposals emerge to amend rules that are made under clause 85 after the first time by negative resolution. The Committee for Justice supports amendment No 29.

Amendment Nos 30, 31, 32, 64 and 65 introduce new clauses to extend solicitors' rights of audience in the High Court and the Court of Appeal. As already outlined by the Minister of Justice, the intention had been

to introduce such clauses in the Justice Bill prior to its introduction to the Assembly. It is unfortunate that the Department was unable to do that, and, as a result, the Committee has been unable to consult fully on the proposed clauses.

The Committee received details of the content and text of the proposed new clauses on 28 January 2011. Considering that the Committee Stage of the Bill was due to end on 11 February, it had a very limited opportunity to consider the proposals. Given the interest of the Law Society and the fact it had been pressing for the introduction of solicitors' rights of audience in the higher courts for some time, the Committee invited written and oral evidence on the proposed new clauses from its representatives. The Committee also received written evidence on the issue from the Bar Council just prior to the completion of the Committee Stage of the Bill.

In the Law Society's evidence to the Committee, it commented on the insufficient time to consider the text of the proposed new clauses and indicated that, although it fully supports the policy and principle behind the new provisions, it has a number of concerns and issues regarding the clauses as currently drafted. Those concerns relate to the requirement to consult with the Attorney General and the engagement of the Department of Justice in the regulation of the profession. The Law Society regards that as wholly inappropriate and a significant departure from the norm. It also questioned the need for some of the provisions, because they duplicate existing practice, and sought clarity on some of the terms used in the clauses. In the Bar Council's written evidence, it outlined serious concerns about the underlying principle of extending solicitors' rights of audience.

Although the Committee for Justice supports the general principle of affording the public a wider choice of legal representation by extending solicitors' rights of audience in the higher courts, the Committee did not have sufficient time to reach a view on whether it was content with the detail of the amendments.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. We support the amendments. I will break my comments into two parts. First, I will cover legal aid, and then I will address the issue of solicitor advocates. When we discussed legal aid at Committee Stage, we were always keen to ensure that the guiding

principle should be that access to justice should not be made more difficult. Indeed, we argued that it should be made easier. Therefore, we are in agreement with those provisions, particularly because new article 31 states that if:

“there is a doubt whether it is desirable in the interests of justice that he should have free legal aid, the doubt shall be resolved in favour of granting him free legal aid.”

We think that that is the guiding principle. We are also satisfied that it is enabling legislation that will provide rules. Those rules will have to be subject to affirmative resolution and to a debate in the House, which will allow us to examine whatever changes will be proposed. That will give us an idea of what the fixed limit will be and what impact it may or may not have in respect of access to justice.

As a guiding principle, we are satisfied with the clause and the amendment, and we are satisfied that our interests and concerns have been addressed. It is a similar position with the order to recover the costs of legal aid in respect of convictions. Again, we are satisfied that it is enabling legislation, which will lead to a set of rules that, again, will be subject to affirmative resolution and to a debate in the House. A number of concerns were addressed, and we got satisfactory answers that the provision should not be seen as an infringement on family members or relatives of a person who may be convicted. It should not impinge on their rights or properties, or whatever.

Clause 90 relates to litigation funding agreements. Again, we agree that people who do not take cases are sometimes put off because of fear of the cost. The clause will assist in some way by ensuring that there will be provision for a fund if a case is unsuccessful.

We are supportive of the new clauses in respect of solicitor advocates. The Chairperson outlined that, initially, the matter was to come before the Committee, but it was postponed because of concerns. The Committee did not consider it in the detail that we would have desired, but there were a number of discussions, and we had a number of presentations from the Law Society, the Bar Council and departmental officials. We are guided by the fact that the rights of audience have already been granted in lower courts. We asked questions and, to our knowledge, there has not been a successful appeal at the Court of Appeal: no one has

said that the fact that they used a solicitor advocate meant that the level or competency of the legal representation was such that there was a successful appeal and a decision was overturned.

We also note that that is already in practice in the Twenty-six Counties, where no successful case has been taken to the appeal court to overturn a decision on the grounds that the solicitor advocate was incompetent in the particular job that they were tasked to do. There is an idea that people might use solicitor advocacy as a cheaper way to employ a brief or that solicitors may oversell themselves as the best and most competent person to take cases forward. However, research, particularly from courts in the Twenty-six Counties, shows that take-up is actually minimal. It is only used in circumstances when a solicitor advocate has a particular specialism or when a solicitor advocate has taken a case from its inception and the client, therefore, believes that they can offer the best representation.

As we said at Committee Stage, we have to keep an eye on the issue. The Committee had a number of evidence sessions with practitioners and officials. We want to ensure that the matter is reviewed or monitored so that people are not improperly advised. The Law Society has reassured us in that regard, and we discussed whether trial judges could have a role in ensuring that when people employ solicitor advocates or counsel, they can be assured that decisions that are made are in their best interests and, indeed, in the best interests of the wider justice system. Go raibh maith agat, a LeasCheann Comhairle.

Lord Empey: I agree with the Chairperson's remarks on amendment No 29. I want to address most of my comments to the question of solicitor advocacy. As the Chairperson said, representations, particularly from the Law Society, indicated that people would have liked more time to consider some of the proposals.

There is politics, there is church politics, university politics and legal politics. Some of us know that we are out of our depth when we get into the middle of some of those issues. I see at least one distinguished barrister in the room — I was talking about Mr McFarland there. *[Laughter.]* The fact is that for those of us who are not in the legal profession and are lay persons in these matters, it is quite a daunting

task because we are being lobbied by or are receiving presentations from some of the most articulate and persuasive professionals around. It is their job. That is what they do. Therefore, the lobbying and presentations are, obviously, of a very high calibre. Equally, the twists and turns of the law, how courts operate and the processes in place mean that, for a lay person, to understand the full implications of what we are doing is quite a difficult challenge. That is why that particular issue has created quite a lot of interest from the professions. I am sure that, in addition to presentations that we have had in Committee, most parties have received presentations from both the Bar Council and the Law Society in consultations over quite some time.

I must say, however, that at all times lobbying was done properly and informatively. People were co-operative. There was no attempt to harry, bully, or anything like that. It was all done in a positive way. That said, there is a general thrust at national level towards solicitors having greater access. The reality is that that will happen. The Law Society may have issues with the particular details of proposals.

The Minister has further things to do in that regard. Nevertheless, the extension of solicitors into the higher courts is going to happen.

3.30 pm

The Bar Council expressed genuine concern about a number of issues, and I will spend a moment or two talking about those. A solicitor is the first professional who is in contact with someone facing issues with the law. That solicitor knows the client, so it is easy for him to say: "We have a solicitor in-house who is qualified; you know our company; and we can offer this service and provide it to you." The solicitor will also have to advise the client that there are other options, and if the client wishes to engage a barrister, that option is still available. Nevertheless, I suspect that the larger law practices in the greater Belfast area will be able to set up advocacy units in their practices in which they will have a number of qualified advocates who will be able to represent clients in the High Court. Of course, it will depend on the location of a practice as to whether that might happen. However, I suppose that it is perfectly understandable that such units will be set up. I accept that solicitors are going to have to tell clients what their options are so that they can make informed choices. However, I suspect

that that will be the practice, particularly in the larger companies in the greater Belfast area that have the ability to have a number of advocates in-house.

What are the implications? If we look across the water, we will see evidence that, by and large, barristers are not appearing in the lower courts to the extent that they did a number of years ago. It is most important that we keep a supply chain of qualified barristers coming into our system. Therefore, the question is whether this will damage the ability of the Bar to ensure that a continuous supply of highly qualified people is coming into the profession? Also, given that we are talking about reductions in legal aid generally, what will the economic impact of the situation be on the Bar Library, for instance?

I understand that 35 people are coming into the profession this autumn and that there are approximately 600 in the Bar Library at the moment. So, will this have an adverse economic impact on that situation? I suppose that those are the issues.

The objective is to ensure that a client facing a legal challenge is provided with advice of the highest quality. Although I have no problem with the concept that solicitors will migrate to the higher courts, as, I think, is already happening across the water, I have concern that there could be an adverse impact on the Bar. That would not be positive in the long-term. I hope that the Minister will, to some extent, be able to alleviate any concerns in his summing up.

The other area in which potential weakness might lie is in the degree to which the solicitor offers a genuine choice to the client on whether to seek the advice and services of a barrister or a solicitor advocate. If a company has a division comprising people who are solicitor advocates, there is almost a disincentive for a solicitor to push an alternative. This is where the clash is going to come. I know that the Minister and his officials are aware of the issue, and I suspect that he can address it. We need absolute assurance from the Law Society that solicitors will put a genuine, clear-cut choice before their clients, so that it is not all done in-house and without the option of going for advice outside the solicitors' practice. That said, we are broadly content with this group of amendments. I endorse the Chairperson of the Committee's assessment of the legal aid issue. I think that we all accept that, although people

must have a right to law, the system has been getting out of control in recent years. The truth is that problems in society call for a balance at all times. We all want to provide people with the best possible legal advice in as many areas as possible. However, if we do that, something else will suffer, whether that is education, health or another area. All those areas required a balance to be struck. Things had gone a bit too far in legal aid, and it is being reined in from a budgetary point of view, which is probably a positive move.

There is a balance to be struck on whether solicitor advocates will have a universal impact on the profession. I suspect that they will not, but I am anxious about the larger practices possibly having something of an advantage, particularly over the smaller practices, if they have a special team that concentrates on that area. That is where a risk could exist to the future of the Bar. In common with politicians, bankers, estate agents and now bankers, lawyers come in for a fair bit of criticism. Nevertheless, if there is not a long-term consistent supply of highly qualified people entering any profession — medicine, accountancy or whatever — society will ultimately be weakened.

I hope that we got the balance right and that the Minister and his Department will monitor how it is introduced. I hope that we will ensure that there are clear-cut guidelines on how solicitors are to notify their clients about the options open to them. If that is done properly, I suspect that we will have steered a middle course through those clauses.

Mr A Maginness: From the outset, I declare an interest as a member of the Bar of Northern Ireland. Lord Empey made a number of important points about the clauses under discussion. We will, of course, support the clauses that the Minister has brought forward on the fixed means test and the solicitor advocates.

I will make a couple of general comments. First, we were well warned in Committee by the Law Society and the Bar about certain dangers involved in the fixed means test. If the fixed means test is so high as virtually to exclude many people from access to justice through assisted criminal legal aid in serious cases, we do no service to the public. Of course, many people will say that it does not matter to them.

However, once a serious problem reaches their family door, the test kicks in, and people become anxious about it.

If we take the average middle income here in Northern Ireland, it could well be that people could not personally afford to provide for their legal defence in a serious criminal trial. That is quite wrong. We have to balance access to justice with economy. We cannot have a free-for-all. I agree with Lord Empey that excessive fees are quite wrong, and we have to be vigilant about that.

So, when the Minister and departmental officials came to the Committee, it was right and proper that the Committee reached a consensus that in the event of the Bill being passed that at least the initial template for determining a fixed means test should go to the Committee, that the Committee and other stakeholders should be consulted, and that the regulations would be by affirmative resolution. I am grateful to the Minister for conceding on that point, and that is a useful compromise. The devil is in the detail, and we shall see exactly what is intended by this enabling legislation when it comes to determining those regulations.

With regard to solicitor advocates, the legislation relates to the extension of representation in the higher courts: the High Court and Court of Appeal. The Committee, quite rightly, insisted on safeguards for that, and the Department accepted the need for safeguards. Thus there are safeguards for:

“the Law Society to make regulations setting the education, training or experience requirements which a solicitor must meet before authorisation can be granted”.

That is right and proper. We have talked a lot about unintended consequences. As a result of that, however, we could have two tiers of solicitor advocates: one in the High Court and Court of Appeal, which have more rigorous regulations for training, education and experience, and one in the lower County Courts, Crown Courts and Magistrates' Courts. That may or may not be the result of this legislation. I suspect that it will, and that we will run into difficulties if that happens.

Lord Empey put his finger on the problems associated with solicitor advocates. The ordinary solicitor's office in Magherafelt, Antrim or throughout Northern Ireland is probably

too small to afford to have someone become a solicitor advocate, and it is not in their commercial or professional interests to have a solicitor advocate attached to that office. It could well be possible, however, for bigger firms, particularly criminal law firms, to have a special section dedicated to solicitor advocacy, particularly in Crown Courts.

That will have a consequence that is, perhaps, not intended. The consequence is twofold. First, it makes the smaller firms appear less professional or makes them less attractive to clients because the client will say: "That other firm is bigger and has a section with solicitor advocates but you, the smaller, professional firm in a county town, do not have that capacity and, therefore, I am not going to use you." That could have a knock-on effect on smaller firms throughout Northern Ireland and that should be considered by not just us but also by the Law Society.

3.45 pm

The second point, which Lord Empey dwelt on, is about the type of legal profession that we want. Do we want an independent Bar in Northern Ireland? Most of us do, but this small jurisdiction would find it difficult to sustain an independent Bar in a situation where a significant part of its work is being taken from it. In those circumstances, we weaken the scope for opportunities, particularly for younger barristers, both male and female, to get into areas of work initially and thereby gain experience and, after gaining that experience, to attain a certain level of expertise that should be their stock in trade. If we squeeze those barristers out of the Crown Courts, for example, and the relatively modest or straightforward work that they do, such as pleas or defending less serious offences, we are effectively weakening the Bar and undermining its independence, because it has to have work to sustain itself. So, we have to be cautious and look at the issue very carefully.

I go back to the original point that I made; we could have two tiers of solicitor advocates, which could lead to further tensions within the solicitor profession and between solicitors and barristers. We need to seriously consider the advice that solicitors will be giving their clients. As Lord Empey said, the solicitor is the professional who has the first interface with the client. In other words, the client goes

to the solicitor and has a level of faith and confidence in him or her. If that solicitor is considering giving the client the services of a solicitor advocate, he or she is being asked to give what amounts to independent advice to the client. From a human point of view and from a professional point of view, that is not an easy task. The solicitor will be conflicted between giving independent advice and, due to the natural and proper professional self-interest that he has, getting the client to employ his solicitor advocate. There is a tension there, which is very difficult to resolve.

The general principle of solicitor advocates is great, and we can all say that we agree with it, but it is the implementation of the measure that will be very difficult. In Committee, I said that the solicitor was not only a gatekeeper between the client and the legal profession but a self-interested gatekeeper. That is a matter that we must look at very carefully.

Mr McNarry: I want to pose a question that may be a dilemma for the public if the legislation is passed. It comes down to money and is based on the perception of people who had to pay that barristers seemed to earn more money than solicitors. Would the payment that is made to a solicitor advocate be equal to the payment that is made to a barrister for the same case? Would the public be able to perceive and grasp, in getting down to brass tacks, that a solicitor with the new special qualification would be equal to a barrister but that there would there be no differential in the charge? If there was a differential, I can imagine the catch-22 situation of clients thinking that, if one is cheaper than the other, but both will have equal status and will give service, they should take whatever is best. However, if one happens to be much cheaper, the natural instinct would be to go with that person, because clients have been told throughout the process that that is where they are. If clients lost the case, they would feel sick at the thought that the dearer fella might have done a better job and represented them better. How can that be dealt with in the perception of the public, when the public are going to have to be made aware of it?

Mr A Maginness: The Member raised a series of interesting questions. I am unsure how remuneration would take place, at what levels, whether it would be equal or whether there would be some discounting for those who instruct solicitor advocates or counsel privately.

I am not certain how it operates at the moment when public funds are concerned. Some arguments were made to the Committee by the Bar and, although I cannot remember the actual detail of those arguments, it did suggest that, in certain circumstances, solicitor advocates receive more money than barristers.

(Mr Speaker in the Chair)

One has to remember that solicitors have had the right of audience since 1978 and that they did not act upon that to any great extent in the lower courts. They did act upon that right in the Magistrate's Court, but they did not do so in the Crown Court or County Court to any great extent. The reason why solicitor advocates now practise in the Crown Court is because the remuneration is there for them and it is better commercially for them to participate in that sort of activity.

If there was equality between the Bar and solicitors, and solicitor advocates did not get an advantage, the issue may fade away. However, I think that there is an element of commercial advantage for solicitor advocates, and that must be looked at carefully.

Even if a separate solicitor advocate does the job of counsel in the Crown Court, he still belongs to the firm that instructs him and that represents the client, and I cannot get away from the idea that there will be a double payment to the solicitor firm and the solicitor advocate. That is something that legal aid should look at and it cannot be determined through the clauses that are under discussion today. However, it is an important issue that should be looked at carefully to see whether an equitable arrangement can be reached between solicitor advocates and barristers.

I return to the central point that was raised by Lord Empey, which is whether we want an independent Bar and an independent legal profession. We all say that we want an independent judiciary; that is very important and we all support that. However, in any democracy, it is important to have an independent Bar, which is not under the control of the state or of big interests and which is truly independent. If we remove the capacity of the Bar to sustain itself by adverse innovations, we do it a disservice and undermine its independence.

We need to scrutinise any subsequent subordinate legislation and, throughout all this, we need to preserve the basic principle

of access to justice. Access to justice is paramount for ordinary people, not just in criminal trials but in civil litigation. The professional capacity must be there when we want it, and we may arrive at a situation in which that capacity has been undermined and reduced. According to a Westminster Public Accounts Committee report, in England and Wales that capacity has been undermined by the removal of the Bar from our Crown Courts and the introduction of solicitor advocates. The quality of professional representation has been reduced, and we should be wary of that here.

That said, it is a matter of raising the issues; it is not a matter of rowing back and saying that these developments should not happen. However, as they happen, they should be looked at carefully and scrutinised so as to maintain access to justice and the independence of our legal professions.

The Minister of Justice: Welcome back to the Chamber, Mr Speaker. Some of us have been here for quite a long time. We must all have had a very good lunch, because the tenor of the debate seems to be significantly easier than it was before lunchtime.

I thank Members for the considered way in which they have been looking at these two issues, particularly the issue of solicitors' rights of audience, which has preoccupied the work of the Department for a considerable time. A lot of information had to be accessed, a lot of lobbying was done and advice had to be obtained for the Attorney General and others to ensure that we got a balanced set of proposals for these clauses.

Turning first to the legal aid proposals, it is clear that there is a general welcome for what has been proposed. The amendment will provide a more structured approach to the granting of criminal legal aid, which will ensure that those who can afford to pay for their own defence costs will do so, and that the valuable and finite and, unfortunately, decreasing resources are more effectively and fairly targeted at defendants who most need them.

Mr Maginness raised concerns that there might be an adverse impact on access to justice. I do not accept that that is the case. The driver for the means test is to ensure targeting of legal aid funds where they are most needed. That is the intention behind this, and I believe that that is what Department officials have worked up in

a way that will be manageable and will ensure that access to justice is a key principle for us in the future.

I welcome the agreement in general to the clause that Lord Morrow first outlined on behalf of the Committee and that others have supported. The clauses extending rights of audience for solicitors in the higher courts have attracted a considerable amount of lobbying. Lord Empey highlighted the lobbying from the articulate gentleman who represented the Bar. Almost equally articulate gentlemen represent the Law Society and, if it is any consolation to members of the Committee, at least there are generally seven or eight of them sitting round the table when they are lobbied. When I am lobbied, I am on my own.

There are issues of legitimate concern in getting the balance between the two professions right and to ensure that, if we make the proposals to extend rights of audience, we ensure that clients are treated correctly and fairly and that the best advice and support that they can receive is available. The balance of the clauses that we now have gives us the opportunity to do things right, namely to extend the rights of audience for solicitors to the higher courts, while ensuring the need to maintain competition for advocacy services and fundamentally to protect the public interest. As I said earlier, we were unable to introduce those clauses at Second Stage because we did not have the full authorisation that they were competent at that stage.

I acknowledge the points that Lord Morrow made about the limited time that the Committee has had to consider the clauses, but the Committee has certainly accepted in principle that this is the correct direction of travel to ensure a wider choice of legal representation, and I am grateful for that support.

4.00 pm

As I said, we have engaged with key stakeholders over a significant period in developing the clauses, and I believe that we now have a fair balance. The Bill provides for a system of authorisation by the Law Society for solicitors who wish to exercise extended rights of audience in the High Court and the Court of Appeal and requires the Law Society to make regulations setting out the education, training or experience requirements that a solicitor must meet before getting authorisation. The regulations to be made will require the

concurrence of the Lord Chief Justice and the Department of Justice in consultation with the Attorney General. That measure is designed to ensure that the standard of advocacy in the higher courts is fully maintained. We have a range of measures to ensure that competition is properly maintained and that conflicts of interest are prevented. The provisions will now ensure that the client can get sufficient information to allow him or her to make an informed choice of representation in the higher courts. The measures certainly should reinforce consumer confidence and reassure clients that their needs are paramount.

Clearly, there will always be a tension between the two branches of the profession, and that was articulated for us when Mr Maginness specifically talked about the tension regarding the role of solicitors. He described the solicitor as potentially “a self-interested gatekeeper”. I suppose that the alternative is the Irish situation, where solicitors have full rights of audience and where it might be said that the solicitor is a self-interested gate-slammer. On that basis, by seeking to get that tension addressed, we have perhaps highlighted it, but we have also done things that will ensure that the client’s choice is paramount and that the interests of justice are properly covered.

Let me repeat some of the points I made earlier. The clauses create a duty on solicitors to advise the client in writing of the options available. They have a duty to act in the best interests of the client when providing that advice. There is a duty to inform the court that the solicitor has given that advice properly. There were no concerns when equality-screening exercises were carried out on that. There are no specific costs for private business or the voluntary sector. This is a matter of management within the legal professions.

I fully appreciate that the Committee had a short time to consider the clauses, and I note that it is content with the general principle of extending solicitors’ rights of audience and agreed with the principle of those clauses.

Let me refer to some of the specific contributions made. Lord Empey made a number of points about the operation of the provisions. However, the safeguards that I have just outlined will ensure that competition is properly maintained. Let me repeat them: the Bill will provide for the duty to provide advice, the duty

to ensure that the client can make an informed choice and the duty to act in the best interests of the client. It will also provide for regulations to be made to carry that through, and those regulations must have the concurrence of my Department after consultation with the Attorney General. Those are all lacking in the current arrangements in England and Wales. That is where we have gone significantly further in protecting the rights of individuals.

I believe that barristers will always be required, and we will see that the clauses will give effect to the report of the Bain committee to ensure that there is wider access to legal opportunities. Lord Empey talked about the role of the Department and where it would stand on monitoring arrangements. The fact that we have a duty to concur with the Law Society regulations gives us that reassurance. On the basis of the articulate representations made by both branches of the legal profession, I have no doubt that, if there are concerns on either side that matters are not operating properly, the profession will soon be back at the door of the Department of Justice to ensure that we are carrying things through. I believe that we will ensure, as we keep an eye on the regulations and monitor training and experience, that there will be no need for concern on that.

Alban Maginness talked about what he described as the potential unintended consequences for smaller solicitor firms, but I do not believe that that is a real danger. There is always a danger from the law of unintended consequences, but those clauses give effect to the Bain recommendations and have been given significant consideration over a period. They may have been introduced relatively late to the Bill, but it was in the context of ensuring that everything was right and was certified as such by the Attorney General before their introduction.

It is not a matter that was not properly considered; it has been fully considered elsewhere and in different ways. The aim has been welcomed by the Law Society and the practical measures by the Bar Council, which is a significant achievement for the Bill. The same applies to the issue of whether granting solicitors extended rights will impact, to a degree, on the Bar. As I understand it, the experience in England, Wales and even more so in the Republic is that there was not that much of an impact on the work of the Bar in higher courts. Mr McCartney highlighted examples of

solicitors with niche expertise or who have been so closely involved with a client that the client may want that solicitor to represent them higher up.

I know from my previous occupation that barristers frequently appear in lower courts on behalf of solicitors who have other work to do. Therefore, there is something of a mixed market starting to operate at all levels. Clearly, there are the potential dangers of self-interest. However, as I said, the fact that the Bill requires proper advice to be given to enable a client to make an informed choice is a significant step forward in reducing the danger of self-interest on the part of solicitors compared with what exists in the South or across the water.

Mr McNarry asked about the cost of solicitor advocates. I believe that, at the Justice Committee meeting tomorrow, he will see a paper that deals with certain legal aid issues. The Department's current recommendation is that regulations provide the same legal aid rates for solicitors in the higher courts as for junior counsel, which clearly recognises the comparability of the work that will be done. In civil cases and others that are not legal-aided, it would be a matter for negotiation between a client and his or her legal representative, with a dispute referred to the taxing master. I do not believe that there will be any significant issue that will lead to people being diverted into suggesting that they are somehow getting a cheaper deal and, therefore, justice on the cheap.

The group 5 amendments should stand. They represent a significant step forward in legal aid and in resolving the difficult and vexed issue of advocacy powers for solicitors in higher courts. I recommend them to the House.

Question, That amendment No 29 be made, put and agreed to.

Clause 85, as amended, ordered to stand part of the Bill.

Clauses 86 to 91 ordered to stand part of the Bill.

New Clause

Amendment No 30 made: After clause 91, insert the following new clause:

"PART 8

SOLICITORS' RIGHTS OF AUDIENCE

Authorisation of Society conferring additional rights of audience

91A.—(1) *The Solicitors (Northern Ireland) Order 1976 (NI 12) is amended as follows.*

(2) *In Article 6 (regulations as to the education, training, etc. of persons seeking admission or having been admitted as solicitors) after paragraph (1) insert—*

‘(1A) The Society shall make regulations with respect to the education, training or experience to be undergone by solicitors seeking authorisation under Article 9A.’

(3) *After Article 9 insert—*

‘Authorisation of Society conferring additional rights of audience

9A.—(1) *A person who is qualified to act as a solicitor may apply to the Society for an authorisation under this Article.*

(2) *An application under paragraph (1)—*

(a) *shall be made in such manner as may be prescribed;*

(b) *shall be accompanied by such information as the Society may reasonably require for the purpose of determining the application; and*

(c) *shall be accompanied by such fee (if any) as may be prescribed.*

(3) *At any time after receiving the application and before determining it the Society may require the applicant to provide it with further information.*

(4) *The Society shall grant an authorisation under this Article if it appears to the Society, from the information furnished by the applicant and any other information it may have, that the applicant has complied with the requirements applicable to him by virtue of regulations under Article 6(1A).*

(5) *An authorisation granted to a person under this Article ceases to have effect if, and for so long as, that person is not qualified to act as a solicitor.*

(6) *The Society may by regulations provide that any person who has completed such education, training or experience as may be prescribed, before such date as may be prescribed shall be taken to hold an authorisation granted under this Article.’*

(4) *In Article 10 (practising certificates and register of practising solicitors) after paragraph (2C) insert—*

‘(2D) Every entry in the register shall include details of any authorisation granted under Article

9A to the solicitor to whom the entry relates.’ — [The Minister of Justice (Mr Ford).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 31 made: After clause 91, insert the following new clause:

“Rights of audience of solicitors

91B.—(1) *In section 106 of the Judicature (Northern Ireland) Act 1978 (c. 23) (rights of audience in the High Court and Court of Appeal) after subsection (3) insert—*

‘(3A) A solicitor who holds an authorisation under Article 9A of the Solicitors (Northern Ireland) Order 1976 shall have the same right of audience in any proceedings in the High Court or Court of Appeal as counsel in those courts and any such right is in addition to any right of audience which a solicitor would have apart from this subsection.’

(2) *After Article 40 of the Solicitors (Northern Ireland) Order 1976 (NI 12) insert—*

‘Duty to advise client as to representation in court

40A.—(1) *Paragraph (2) applies where—*

(a) *it appears to a solicitor that a client requires, or is likely to require, legal representation in any proceedings in the High Court or the Court of Appeal;*

(b) *either—*

(i) *that solicitor is minded to arrange for another solicitor who is an authorised solicitor to provide that representation; or*

(ii) *that solicitor is an authorised solicitor and is minded to provide that representation; and*

(c) *in representing that client in the High Court or Court of Appeal, a solicitor would need to exercise the right of audience conferred by section 106(3A) of the Judicature (Northern Ireland) Act 1978.*

(2) *The solicitor must advise the client in writing—*

(a) *of the advantages and disadvantages of representation by an authorised solicitor and by counsel, respectively; and*

(b) *that the decision as to whether an authorised solicitor or counsel is to represent the client is entirely that of the client.*

(3) *The Society shall make regulations with respect to the giving of advice under paragraph (2).*

(4) *A solicitor shall—*

(a) in advising a client under paragraph (2), act in the best interest of the client; and

(b) give effect to any decision of the client referred to in paragraph (2)(b).

(5) For the purposes of this Article compliance with paragraph (2) in relation to any proceedings in a court in any cause or matter is to be taken to be compliance with that paragraph in relation to any other proceedings in that court in the same cause or matter.

(6) If a solicitor contravenes this Article, any person may make a complaint in respect of the contravention to the Tribunal.

(7) In this Article and Article 40B “authorised solicitor” means a solicitor who holds an authorisation under Article 9A.

Duty to inform court as to compliance with Article 40A(2)

40B.—(1) Where—

(a) a solicitor has complied with Article 40A(2) in relation to the representation of a client in any proceedings in the High Court or Court of Appeal;

(b) that client is to be represented in those proceedings by an authorised solicitor; and

(c) in representing that client in those proceedings the authorised solicitor would need to exercise the right of audience conferred by section 106(3A) of the Judicature (Northern Ireland) Act 1978,

the solicitor shall inform the High Court or (as the case may be) the Court of Appeal of the fact mentioned in sub-paragraph (a) in such manner and before such time as rules of court may require.

(2) For the purposes of this Article compliance with paragraph (1) in relation to any proceedings in a court in any cause or matter is to be taken to be compliance with that paragraph in relation to any other proceedings in that court in the same cause or matter.

(3) If a solicitor contravenes paragraph (1), any person may make a complaint in respect of the contravention to the Tribunal.

(3) In Article 50 of the County Courts (Northern Ireland) Order 1980 (NI 3) (rights of audience) in paragraph (1)(c) omit the words ‘, but not a solicitor retained as an advocate by a solicitor so acting’.

— [The Minister of Justice (Mr Ford).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 32 made: After clause 91, insert the following new clause:

“Consequential and supplementary provisions

91C.—(1) In Article 75 (regulations) of the Solicitors (Northern Ireland) Order 1976 (NI 12) after paragraph (2) insert—

‘(2A) Regulations under Article 6(1A), 9A(6) or 40A(3) also require the concurrence of the Department of Justice, given after consultation with the Attorney General.

(2B) The Department of Justice shall not grant its concurrence to any regulations under Article 6(1A) or 9A(6) unless regulations have been made under Article 40A(3) and are in operation.’.

(2) The Department may by order make such amendments to—

(a) the Criminal Appeal (Northern Ireland) Act 1980 (c. 47),

(b) the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8),

(c) the Access to Justice (Northern Ireland) Order 2003 (NI 10),

(d) section 184 of the Extradition Act 2003 (c. 41),

as appear to the Department to be necessary or expedient in consequence of, or for giving full effect to, the provisions of this Part.” — [The Minister of Justice (Mr Ford).]

New clause ordered to stand part of the Bill.

Clauses 92 to 94 ordered to stand part of the Bill.

New Clause

Mr Speaker: We now come to the sixth group of amendments for debate, which are miscellaneous amendments to Part 8 of the Bill. With amendment No 33, it will be convenient to debate amendment Nos 34 to 46 and amendment No 63.

The Minister of Justice: I beg to move amendment No 33: After clause 94, insert the following new clause:

“Power of Department to make payments in relation to prevention of crime, etc.

94A.—(1) The Department may, with the consent of the Department of Finance and Personnel, make such payments to such persons as the Department

considers appropriate in connection with measures intended to—

(a) prevent crime or reduce the fear of crime; or

(b) support the recovery of criminal assets and proceeds of crime.

(2) A payment under subsection (1) may be made on such conditions as the Department may, with the consent of the Department of Finance and Personnel, determine.”

The following amendments stood on the Marshalled List:

No 34: After clause 94, insert the following new clause:

“Variation of firearms certificate

94B.—(1) Article 11 of the Firearms (Northern Ireland) Order 2004 shall be amended as follows.

(2) For paragraph (3) substitute—

‘(3) If a person—

(a) sells a shotgun or other firearm (“the first shotgun or firearm”) to the holder of a firearms dealer’s certificate (“the dealer”); and

(b) as part of the same transaction purchases a shotgun or other firearm (“the second shotgun or firearm”) of the same calibre or type from him,

the dealer may vary that person’s firearm certificate by substituting the second shotgun or firearm for the first shotgun or firearm.’

(3) No firearm may be sold or purchased under Article 11 of the Firearms (Northern Ireland) Order 2004 that is a prohibited firearm set out under Article 45 of the Firearms (Northern Ireland) Order 2004 (Weapons subject to general prohibition).” — [Lord Morrow.]

No 35: After clause 94 insert, the following new clause:

“Review of certain variation of firearms certificate

94C.—(1) The Department must review and publish a report on the current provisions relating to the variation of firearms certificates.

(2) The report under paragraph (1) must report on the desirability of bringing forward legislation to enable registered firearms dealers to vary a person’s firearms certificate where that person has sold a firearm to the dealer and purchased another firearm of similar type and calibre.” — [Lord Morrow.]

No 36: After clause 94, insert the following new clause:

“Review of supervised shooting restrictions for young persons

94D.—(1) The Department must review and publish a report on the current provisions relating to supervised shooting restrictions for young persons.

(2) The report under paragraph (1) must detail current practices in England, Scotland and Wales and report on the desirability of bringing forward legislation to enable supervised shooting for persons under the age of 18.” — [Lord Morrow.]

No 37: In clause 96, page 54, line 39, after “Committee)” insert

“in paragraph (g) for ‘one other’ substitute ‘a’ and ”. — [The Minister of Justice (Mr Ford).]

No 38: In clause 96, page 55, line 1, leave out “person” and insert

“practising member of the Bar of Northern Ireland or a practising solicitor”. — [The Minister of Justice (Mr Ford).]

No 39: In clause 97, page 55, line 5, after “Committee)” insert

“in paragraph (d) for ‘one other’ substitute ‘a’, ”. — [The Minister of Justice (Mr Ford).]

No 40: In clause 97, page 55, line 7, leave out “person” and insert

“practising member of the Bar of Northern Ireland or a practising solicitor”. — [The Minister of Justice (Mr Ford).]

No 41: In clause 97, page 55, line 12, leave out “person” and insert “barrister or solicitor”. — [The Minister of Justice (Mr Ford).]

No 42: After clause 97, insert the following new clause:

“Funds in court: investment fees or expenses

97A.—(1) Section 81 of the Judicature (Northern Ireland) Act 1978 (c. 23) (investment of funds in court) is amended as follows.

(2) The existing provision becomes subsection (1) of that section.

(3) After that subsection insert—

‘(2) If the High Court or (as the case may be) the county court so orders, the power of the Accountant General under subsection (1)(a) (iii) or (iv) to invest a sum of money in the Court of Judicature or the county court in securities

includes the power to pay out of that sum any fees or expenses which are—

(a) incurred in connection with, or for the purposes of, investing that sum; and

(b) of an amount or at a rate approved by the High Court or (as the case may be) the county court.

(3) A court shall not make an order under subsection (2) unless the court considers it necessary and proportionate in all the circumstances to do so.

(4) The High Court or (as the case may be) the county court may, on an application made to it, order that all or part of any sum paid by way of fees or expenses under subsection (2) be refunded where it appears to the court to be in the interests of justice to do so.’ — [The Minister of Justice (Mr Ford).]

No 43: In clause 102, page 61, line 15, at end insert

“(5) No order may be made under subsection (1) containing provision which amends or repeals a provision of an Act of Parliament or Northern Ireland legislation unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.” — [The Minister of Justice (Mr Ford).]

No 44: In clause 103, page 61, line 18, leave out subsections (2) to (4) and insert

“(2) Subject to subsection (3), orders made by the Department under this Act are subject to negative resolution.

(3) Subsection (2) does not apply to—

(a) an order under section 1(7), 5(1)(c), 6(3), 44(9), 64(2), 82(5) or 107(3);

(b) an order under subsection (1) of section 102 to which subsection (5) of that section applies.” — [The Minister of Justice (Mr Ford).]

No 45: In clause 107, page 62, leave out line 8 and insert

“(c) sections 94 and (Power of Department to make payments in relation to prevention of crime, etc.).” — [The Minister of Justice (Mr Ford).]

No 46: In clause 107, page 62, line 30, at end insert

“(3A) No order may be made under subsection (3) bringing into operation any provision of section 43 unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.” — [The Minister of Justice (Mr Ford).]

No 63: In schedule 6, page 83, line 32, at end insert

“The Judicature (Northern Ireland) Act 1978 (c. 23)

. In section 82(1) (rules as to funds in court)—

(a) in paragraphs (c) and (d) for ‘81(b)(ii)’ substitute ‘81(1)(b)(ii)’; and

(b) in paragraph (k) for ‘81(a)(iv)’ substitute ‘81(1)(a)(iv)’.” — [The Minister of Justice (Mr Ford).]

The Minister of Justice: I believe that we are now making history, Mr Speaker. I am not aware that we have ever debated a sixth group of amendments at Consideration Stage of a Bill. I will now address amendment No 33 and the other amendments in this miscellaneous and final group, as we look at the clock some 24 hours on.

The amendments in this group cover five areas: assets recovery proposals; changes to court rules committees; proposals for court fund powers; a series of changes to supplementary provisions around new affirmative resolution powers; and commencement arrangements. In addition to the amendments that I have tabled with the agreement of the Committee, Lord Morrow has tabled three amendments to firearms legislation, which appear in this group. I propose to deal with my amendments first and then to deal with Lord Morrow’s amendments.

Amendment No 33 relates to assets recovery and gives my Department the power, with the consent of the Department of Finance and Personnel, to allocate the proceeds of criminal assets that are remitted to the Northern Ireland Consolidated Fund to prevent crime, reduce the fear of crime and support the recovery of criminal assets. Following devolution, there is no longer authority for the proceeds from criminal confiscation orders to be paid to the Home Office, as was the case until last year. Instead, the receipts of criminal confiscation orders are now remitted to the Northern Ireland Consolidated Fund.

The Department of Finance and Personnel is engaged with the Treasury to agree arrangements whereby the Department of Justice may draw on the proceeds of criminal confiscation receipts up to a certain limit. That is in line with the limits agreed for England and Wales and for Scotland. To allocate those funds, primary legislation is required to give the Department of Justice the authority to

make payments from funds remitted to the Consolidated Fund, hence the amendment. In the interim, the Department of Finance and Personnel will give the Department of Justice powers, under the sole authority of the Budget (No.2) Act (Northern Ireland) 2010, to allocate a portion of the funds in 2010-11. To ensure that that interim period is as short as possible, I have also tabled the linked amendment No 45, which sets out that the provision is to commence on Royal Assent.

I will now turn to the issue of the rules committees. Amendment Nos 37 to 41 are introduced at the request of the Committee and have the support of the Attorney General. Clauses 96 and 97 provide for changes to the membership of two of the statutory rules committees. Clause 96 provides that the Crown Court Rules Committee shall include representatives of the Attorney General and the Director of Public Prosecutions. Clause 97 provides that the Court of Judicature Rules Committee shall include the Attorney General or his nominee.

Rules committees are statutory bodies that make rules for the purpose of regulating and prescribing the practice and procedure to be followed in the courts. There is a separate rules committee constituted to prescribe procedure for each judicial tier. The original clauses specified that the Director of Public Prosecutions' nominee should be a public prosecutor but did not specify any particular qualification for the Attorney General's nominee. At the Committee's suggestion, I have agreed that the clauses should specify that the Attorney General's nominee should be either a practising member of the Bar or a practising solicitor. The Attorney General and the Lord Chief Justice, who chairs both committees, are content with the amendment. Specification such as that is in line with the specification for other members of the rules committees.

Amendment No 42 introduces a new clause 98 on funds in court. As the House will recall, it had been my intention to bring forward at Second Stage an appropriate clause amending courts' funds legislation. I then advised that some issues touching on legislative competence had not been resolved in time. I am now pleased to advise the House that the Attorney General has confirmed that the clause in question is within the legislative competence of the Assembly. In its recent report on the Bill, the Committee

for Justice also confirmed that it supports the proposed amendment, and I am grateful for its careful consideration of the clause and for its support.

I will summarise: the new clause 98 relates to the handling of funds in court, where the County Court or the High Court has ordered that moneys are paid into court to be placed under its protective jurisdiction. That will occur, for example, where a minor has been awarded damages or where a person is deemed to no longer have sufficient mental capacity to manage their own affairs. In such cases, the moneys would be paid over to the accountant general of the Court of Judicature, who, under the Judicature (Northern Ireland) Act 1978, is responsible for managing and investing funds in court.

4.15 pm

The director of the Northern Ireland Courts and Tribunals Service acts as accountant general, and his functions are exercised by the Court Funds Office (CFO). That is an office in the Courts and Tribunals Service that manages funds in court until they are paid. That could be when a minor reaches the age of 18, for example. Funds held in court may be invested in various ways, with judicial approval. Those ways are prescribed in the 1978 Act, and they include placing funds in deposit accounts or in short- and long-term investment accounts, as well as investment in certain designated securities, that is, equities or government bonds. For investments in securities, the CFO uses stockbrokers to advise on the most appropriate investments for all new funds that come into court and to review existing investments. In return, the stockbrokers charge an annual management fee. Until recently, those fees were deducted directly from the funds of the clients whose funds were the subject of the stockbrokers' advice and management. However, legal advice that my Department obtained last year suggested that there is a doubt as to whether, in the absence of a specific legislative power, it is permissible to deduct stockbroker management charges directly from funds in court. It is important to be able to use stockbrokers to enhance clients' investment returns. Without them, the CFO would have little alternative but to hold funds as cash deposits. That would be to their clients' detriment, as they would not have the opportunity to enhance the return on their funds.

Stockbrokers have to be paid for their services, and, in principle, rather than coming from the public purse, that cost should be met by those who avail themselves of the services. Therefore, to seek legal clarity, an application will be made to the High Court for a declaration on that issue. Should it find that sufficient authority exists to permit the deduction of stockbrokers' fees directly from clients' funds, the CFO will be allowed to revert to such practice. However, there is a possibility that the court may rule that there is no current authority for deducting such fees. In that case, an amendment to the 1978 Act would be required to provide that authority. This Bill is an opportunity to make such an amendment. Accordingly, the proposed new clause would authorise, with court approval, the deduction of stockbrokers' fees directly from the funds of CFO clients. The court will also have the power to approve the rate or the amount of the fees in question, and it will not make an order authorising the deduction of such fees unless it is both necessary and proportionate to do so.

The court will also have a power to order that either the whole or a part of any sum paid by way of fees or expenses be refunded where it is in the interests of justice to do so. Consequential to amendment No 42 is amendment No 63, which will make the required changes to the Judicature (Northern Ireland) Act 1978.

Amendment Nos 43 to 46 all relate to Part 9 of the Bill, which deals with supplementary provisions. The amendments provide for additional affirmative procedures to be engaged in a number of Order-making powers. Amendment No 43 will simply reposition a subsection that had been in clause 103. What was previously clause 103(3) will now be moved to the overarching requirements of clause 102. It does not reflect a change of policy.

Amendment No 44 is consequential to amendment No 43. The subsections of clause 103 have been re-ordered somewhat, with the insertion of clause 82(5) as a provision that requires affirmative procedure. That insertion is a consequence of amendment No 28, which was discussed in the debate on the group 4 amendments. The code of practice for public prosecutors and police in using conditional cautions will be approved by affirmative procedure.

Amendment No 45 deals with commencement powers in respect of amendment No 33, which is concerned with the proposed power for the Department to make payments arising from assets recovery. It will allow that new power to commence on the day after the Justice Act receives Royal Assent.

Amendment No 46 will provide for the affirmative resolution procedure in respect of clause 43. I touched on that when we considered the provisions on alcohol in my sports law proposals. I described how the powers in clause 43, which is concerned with the possession of alcohol in sports grounds, would be commenced only by affirmative procedure. Amendment No 46 would have provided for that requirement, but, given that clause 43 has fallen, that is redundant. Any proposal to commence the possession of alcohol powers would have been brought to the Justice Committee and would then have gone to the Assembly for full debate. Perhaps that will be a solution that the Assembly will decide on at a future stage. We will have to see.

Finally, I turn to amendment Nos 34 to 36, which were tabled by Lord Morrow and deal with firearms legislation. In brief, amendment No 34 would allow a firearms dealer to vary a firearms certificate and notify the Police Service if a certificate holder sells a firearm to the dealer and buys another firearm of the same calibre or type. That so-called one-for-one transaction already exists for shotguns.

Amendment No 35 concerns the same topic as amendment No 34 but would put into law a requirement that my Department should review and publish a report on the current provisions relating to the variation of firearms certificates, including the desirability of bringing forward one-for-one transactions for all firearms. I will wait to hear what Lord Morrow says specifically, but I interpret amendment No 35 as an alternative to amendment No 34. We will have to consider how we deal with those two.

Amendment No 36 would put into law another requirement for review. It requires that I review and publish the current provisions relating to the restrictions placed on young people shooting under supervision. That would include detailing practices in England, Wales and Scotland and reporting on the desirability of legislation to enable supervised shooting for persons under 18.

I have a degree of sympathy with the proposals that are being put forward and, in particular, with amendment No 34, as I have been lobbied on that specific issue in the past. I see potential merits in extending the one-for-one transaction arrangement to other firearms to make the matter less bureaucratic. I have already considered the issue in the context of a review of firearms licensing fees. Similarly, with amendment No 36, my officials have been looking at the potential options for varying the age limits.

Policies are already under review in each of those areas. However, for differing reasons, although they are related, it is not realistic to make change at this stage. The proposed changes are significant and should be considered in a wider context and with fuller consultation, not on the basis of amendments to this Bill that were produced at a relatively late stage. Firearms licensing policy is a serious matter. Any change to the existing policy must be well thought through and consulted on, and a variety of views should be taken, including those of the Chief Constable.

As for the proposal to put a review requirement into law, I do not think that that is necessary in a process that is already under way. It would be the proverbial sledgehammer to crack a nut. Nevertheless, there is merit in the proposals, and I will consider them. I give a commitment to Lord Morrow that I intend to bring proposals to the Assembly in due course, once the policy has been developed more fully. We will look to have a full public consultation with interested parties and the wider public.

I have to say that I oppose the amendments at this stage. I hope that the House and Lord Morrow, in particular, will accept a commitment that the matter is already being examined in the Department and that it is my intention for proposals to be brought forward for full public consultation so that the matter can be considered properly. Regrettably, some matters have to be dealt with at a relatively late stage. The great majority of what is in the Bill has been consulted on in various guises and in different ways over a period of time. To make such significant changes to firearms legislation without having a full consultation process around what other aspects of firearms legislation should be changed would be a step too far at this stage.

The Chairperson of the Committee for Justice: I want to deal first with amendment No 33, which gives the Department of Justice the power, with the consent of the Department of Finance and Personnel, to allocate the proceeds of criminal assets remitted to the Northern Ireland Consolidated Fund — up to a limit agreed by the Department of Finance and Personnel and HM Treasury — to prevent crime, reduce the fear of crime and support the recovery of criminal assets.

During Committee Stage, the Department briefed the Committee on a proposal to insert such a new provision into the Bill at Consideration Stage. The Department explained that, following the devolution of policing and justice, there is no longer authority for the proceeds from criminal confiscation orders imposed under the Proceeds of Crime Act 2002 to be paid to the Home Office. Instead, the receipts of criminal confiscation orders are now remitted to the Northern Ireland Consolidated Fund. Primary legislation is required to give the Department of Justice the authority to make payments. The Committee supports amendment No 33. It will give the Department access to additional funds previously received by the Home Office, which, given the current budgetary position, is welcome news.

I now wish to move on to amendment Nos 37 to 41, which have been tabled by the Minister in response to a request from the Committee for clarification of the wording in clauses 96 and 97 about the person nominated by the Attorney General for membership of the Crown Court Rules Committee and the Court of Judicature Rules Committee. The amendments now specify that the nominees shall be either practising members of the Bar or practising solicitors and are supported by the Committee.

Amendment No 42 covers a new clause that the Department, during Committee Stage, advised the Committee of its intention to introduce. It will make provision for funds in court and will specifically allow a court to give the accountant general a specific power to deduct, with the approval of the court, certain fees charged by stockbrokers for the management and investment of funds held in court. The Minister has outlined the purpose of and need for the new clause, and I do not intend to rehearse that information. Suffice it to say that the Committee agreed that the principle of using a stockbroker to provide advice on the most appropriate

investments and to review existing investments is of benefit to clients and that the cost should be met by those who avail themselves of those services rather than by the public purse. The Committee, therefore, supports amendment No 42.

I also draw attention to an issue that arose during Committee scrutiny of the “Miscellaneous” section of the Bill. When looking at clauses 95 and 99, the Committee considered why rules made by the Magistrates’ Court Rules Committee and the County Court Rules Committee are not subject to Assembly procedures. The Committee sought the Minister’s views on changing the position so that Magistrates’ Court rules and County Court rules would be subject to negative resolution procedure and the feasibility of taking that forward by way of an amendment to the Justice Bill. The Minister indicated his support for a change to the position but outlined that, for a number of reasons, it would not be possible to make the necessary provision in the Bill. The Committee welcomes the Minister’s commitment to bring this forward in the next available Bill and is content with that position.

With your permission, Mr Speaker, I will now turn to amendment Nos 34, 35 and 36, which stand in my name. I want to emphasise that I speak not in my capacity as Chairperson of the Committee but rather as an MLA. Mr Speaker, if you are unhappy about my speaking from here, I can retreat to the Back Bench.

Mr Speaker: You are all right.

Lord Morrow: Thank you, Mr Speaker.

First, I want to say that the Minister started very well but finished not so well. I listened intently to his comments about my amendments. As regards the variation of firearm certificates, the objective is to extend the one-on, one-off facility for the variation of a firearm certificate currently in place for shotguns to all sporting firearms. A mechanism to allow one-on, one-off transactions for all shotguns has operated successfully since 2005. What is a one-on, one-off transaction? Under article 11 of the Firearms (Northern Ireland) Order 2004, a firearm certificate holder who has been approved to possess a shotgun of a specific make, model and serial number may take that shotgun to a registered firearm dealer and exchange it for another shotgun over the counter. The registered firearms dealer then

notifies the PSNI and the firearm certificate is amended accordingly.

An applicant for a firearm certificate is subject to stringent checks. They must demonstrate that they have good reason to possess a particular firearm, have suitable lands to use it on and are of suitable character, and they must supply suitable references. If they are a first-time applicant, they must also make arrangements to use their firearm under the supervision of an experienced shooter for a specified time.

Amendment No 34 will extend that one-on, one-off facility to all sporting firearms and will have two main benefits. First, it will have an economic benefit, because it will considerably enhance stock turnover for the registered firearms dealer as the transaction can be completed on the spot. If that mechanism were not in place, an application for variation of a firearm certificate would take six months or more, and no business can afford to have stock tied up for that length of time.

Stock is tied up because only one applicant can apply to have a specific firearm — that is, make, model, serial number, etc — added to a firearms certificate at any one time.

4.30 pm

There are 60,000 firearms certificate holders in Northern Ireland. Shooting sports generate some £50 million annually in Northern Ireland and are responsible for 2,100 full-time jobs.

I turn now to the practicalities. The facility would also be of significant benefit to farmers or gamekeepers engaged in pest control who find that their firearm has become defective. For example, a hill farmer needs a firearm to protect lambs from predation for a specific period, a farmer with crops needs to protect them from pests, and a gamekeeper needs to protect wildlife during the breeding season. If their firearm becomes defective, a one-on, one-off facility would allow those people to exchange it for another of similar type and calibre without delay, thereby avoiding potentially significant losses.

Similarly, a sporting shooter may book and pay for a number of days shooting. Should his firearm become defective, he may exchange it for another properly functioning, and therefore safer, firearm and continue to enjoy his sport.

The amendment would not in any way compromise the safety of the public. Only those persons who are already authorised to possess a firearm of a particular type and calibre would be eligible for a one-on, one-off transaction. Those people will have already passed stringent police checks, demonstrated that they have a good reason to possess a firearm of that type and calibre and shown that they can be entrusted to possess it without endangering the safety of the wider public.

In summary, the introduction of a one-on, one-off facility for all sporting firearms would protect jobs, enhance the rural community and economy, and assist with better pest and predator control without presenting any danger to the safety of the wider public. I rest my case.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. I will speak first to amendment No 34, which Lord Morrow has just outlined. We support the new clause. It is our view that the one-on, one-off scenario means that the people concerned will already have passed checks and have a certificate. I know that the PSNI is working on this, but the six-month delay between the purchase of a new weapon and the issuing of a certificate is problematic. There has been enough time to address that. In light of the fact that it would not mean a new person getting a certificate, we feel that the amendment should be supported.

We support amendment Nos 38 to 41. A number of issues were raised at Committee Stage, but we feel that the provisions clarify those.

Officials briefed the Committee on the legal advice that they received on the use of court funds and the ability to draw money from court orders to pay stockbrokers. We feel that amendment No 42 as tabled clarifies that and will allow that provision to go forward.

Lord Empey: Amendment Nos 33 and 45 are, obviously, linked. We are broadly supportive of Lord Morrow's personal amendments. There is an opportunity for simplification without any risk to the general public, because everybody will have to have gone through the necessary checks to avail themselves of the opportunity in the first place. Therefore, no principle already in place to protect the general public from persons who should not have firearms in their possession is being breached. All we are talking about is swapping a weapon in the event of somebody deciding to change it for reasons,

for example, of maintenance and repairs, as those needs arise. Therefore, I do not see what the purpose of public consultation would be, because, as I see it, this is an administrative matter. Maybe Lord Morrow will correct me if I have picked it up wrong, but I see it as more of an administrative matter and a practical response to a day-to-day situation, without, in any sense, making any change in principle to the existing law, which, of course, we support.

I will focus most of my remarks on amendment No 33, which introduces a new clause 94A. The rationale for it is quite positive. A large part of the recovered assets went to the Home Office in London and was not available to the Department of Justice to disperse in Northern Ireland, so it is a good news story that we will have access to that resource. We also accept fully that the Minister needs a power or mechanism to disperse that fund, because the advice that we have been given indicates that he does not have that.

Lord Morrow and the Minister said in their introductions that the clause gives the Department the power to deal with the criminal assets money. That is not what this clause says. It is in a section that deals with miscellaneous matters. When we say miscellaneous, that is exactly what it is. The first clause in Part 8 deals with compassionate grounds for bail. The next ones deal with the possession of an offensive weapon with intent to commit an offence, the publication of material relating to legal proceedings, witness summons and appeals from Crown Court. In other words, it is a mixture and a tidy-up of bits and pieces from all over the place. What the clause says, as opposed to what we think it says, is:

"The Department may, with the consent of the Department of Finance and Personnel, make such payments to such persons as the Department considers appropriate in connection with measures intended to—

(a) prevent crime or reduce the fear of crime".

The clause does not mention criminal assets. Even if it did, the clause states that the Department may:

"make such payments to such persons as the Department considers appropriate".

What could that mean? I have no doubt whatsoever that the Minister and the Committee, because it has dealt with this

matter, have in the back of their minds what they mean, but we must look to the future. We are making legislation that will probably be on the statute book for many years. I will not put a tooth in what I will say. My concern, and that of my party, is that this could give the Minister a power to give money to groups that some people in the community may consider should not get it. Those groups could be associated with paramilitaries and all sorts of things. This gives the Minister and the Department the power to make such payments to such persons as they consider appropriate. It has nothing to do with criminal assets.

The Department needs a power to dispense the money that we are glad to see coming back to Northern Ireland rather than going to the Home Office. That is fine; we are 100% behind that. I do not know whether this is technically a Henry VIII clause or whatever. The Department of Finance and Personnel has to establish that the Department of Justice proposes to spend the money for a legitimate purpose within its vote and that it has the money to do so. Quite clearly, with such an open clause as this, it would be very hard to say that the Department did not have the power to do that. The DFP control is very narrowly focused and limited.

I think that we are all at one in what we are trying to achieve. It is good news that we have that money that we did not have before. I understand — the Minister will correct me if I am wrong — that there is a possibility, on present estimates, that that could bring in around another £1.4 million a year.

I would certainly like, and I know that the party would like, that money to be spent on preventing crime and on helping communities to deal with crime. However, we are unable to support the proposed new clause in its present form because, given that it is so widely drawn, it could ultimately lead to resources going to groups and elements for which no criteria are spelled out. Money could go to anybody: that is what the proposed new clause says. The clause would appear in the Part dealing with miscellaneous matters, under:

“Power of Department to make payments in relation to prevention of crime, etc.”,

— but the issue of criminal assets does not even come into it. The Minister could decide to dispense money from any part of his budget to any community group, so I just wanted to make

him aware of our concerns. I want a tighter drafting of the proposed new clause to make it relevant to specific criteria and to give us confidence that money will go only to groups to which the House would want it to go, because that is not my interpretation of what it says. That is my fundamental point.

We have no argument with the principle or with the fact that the Department needs the power. We are delighted that money that would otherwise go out of Northern Ireland will come in, and we welcome another resource to help to reduce the fear of crime and to do other things. However, we are interested to hear whether the Minister will consider tightening the proposed new clause for Further Consideration Stage to ensure that there is no prospect of money going to groups and organisations that Members would feel uncomfortable about receiving it. Although we are unable to support the proposed new clause in its present form, the problem is perfectly capable of being resolved. It may be, and it is understandable, that, in drafting the clause, the Minister and the Department took their cue from drafts that they saw across the water. Unfortunately, there are certain types of people who run about this place who are not running about across the water. Those are the elements that we hope to prevent from receiving funds, and we believe that it is perfectly possible to resolve the matter by tightening up the proposed new clause.

Nevertheless, the possibility of having a new resource is a good news story, and I believe that the Minister can direct that resource towards helping communities to fight crime and towards removing the fear of crime. Groups, for example, could apply for money to improve lighting in an estate in which people feel frightened about going through a dark alley. There are all sorts of ways in which such money could be used to prevent crime and to remove the fear of crime, and we would support all of them. However, there is an inherent flaw in the drafting because, although everybody said that they have in mind what they want the money to do, that is not what the proposed new clause says.

Mr McDevitt: I shall rattle quickly through the amendments as they appear on the Marshalled List. The SDLP is sympathetic to the intent of amendment No 33, which was debated at length in Committee, so it is in no one's interests to rehearse the arguments that were presented there.

I heard what Lord Empey said, but in my limited experience, I do not see how the clause to which he referred could be considered as a Henry VIII clause. Whatever else it might do, as I understand it, it does not appear to give the extensive powers that a Henry VIII clause would give. Nonetheless, the point about the law of unintended consequences and money ending up where it was not intended to end up was well made, and I expect and hope that the Minister will address it forcefully.

However, I must come back to the reason why the new clause is in front of us: so that we can receive back to this region money that, in my opinion, we are owed. That money has been confiscated or brought into the public purse as a consequence of positive action against serious and organised crime.

4.45 pm

The other amendments on the Marshalled List originate from Committee Stage and are the result of Committee decisions. I am very glad that they are in front of us, and they will enjoy our support. Amendment No 42 is a welcome amendment, and it clarifies a very important aspect of court duty that is often invisible to the lay person. I would not have thought that the vast majority of people out there in the real world would have been as aware as they may be after today's debate that, in fact, courts manage and act as custodians for very large sums of money on behalf of a considerable number of people. Amendment No 42 deals with some necessary improvements in that regard.

I ask the Minister to address amendment No 46 when he is summing up. It seems to me that it is unnecessary to move that amendment this afternoon given that, as the Minister rightly points out, the relevant clause has been voted out of the Bill today. So, I expect that to disappear, and I hope that the Minister will respond positively.

I will now turn to Lord Morrow's amendments. The SDLP is sympathetic to the argument presented. However, I want to put on record the fact that I and, as far as I am aware, my colleague on the Justice Committee were never approached by anyone inside or outside the House about the potential loophole. The first that I heard of it was when I saw the amendments on the Marshalled List. I understand that the loophole exists, and I have been fortunate to be informed by colleagues

who are more expert in those matters than me over the past couple of days.

However, I make an appeal on behalf of all of us, as legislators. We are well disposed to being approached by people outside the House or inside it who genuinely want to see an improvement to legislation. I ask people, wherever they may be, to please approach us and to not be blinded by prejudice or by whatever way we may or may not have voted previously on an issue in another place. If this is, in fact, a technical change, there would be no reason why we could not deal with it tonight. However, in all honesty, I am not in a position to form an opinion on that because, unlike the amendments that we debated for nearly seven hours earlier today that were trailed over a seven- or eight-month period, this is genuinely a novel issue to me. So, we wish it to receive further consideration.

Is Lord Morrow happy to intervene to clarify the status of amendment Nos 35 and 36? I might have misheard him, I am not entirely sure, but I am happy to give way to Lord Morrow if he would be so kind as to clarify what he intends to do.

The Chairperson of the Committee for Justice:

It is not my intention to move amendment Nos 35 and 36 today.

Mr McDevitt: I welcome that intervention and thank Lord Morrow for being so frank about that. In that case, I will not address those amendments; we can return to them at another stage.

Given that this will be the last opportunity to speak on this stage of the Bill, I say to Members that, as we return to the Bill for further consideration and, hopefully, return to some of the substantial issues that we debated earlier in the Consideration Stage, I hope that we are able to return with the same spirit that we had this afternoon, which is one of positive engagement and of trying to focus substantially on the issues. I very much look forward to debating the next stage of the Bill.

Dr Farry: I will be extremely brief at this point; we have had a very long day. Clearly, some parts of the Bill were areas of considerable discussion, and other parts, even though they were complicated and quite far-reaching, have received a very strong consensus. It is important to note that.

The issue concerning firearms has evolved in a direction with which I am comfortable and with which I am sure that the Minister will be comfortable in that amendment No 34 has been well argued and reasoned and people understand it. There are reservations about amendment Nos 35 and 36, and although they have been probed in the debate, we will all be more than happy to return to those issues in the future.

Amendment No 33 relates to the issue of money coming back from assets recovery and the alleged super-discretion that goes to the Minister of Justice. It is worth stressing that the dangers that Members identified in the expenditure of money are no different than with any expenditure of money. The normal rules of accountability, scrutiny and intervention by the Audit Office will still apply. Money will come in from an external source and will go out in the same way as money comes into Departments from the block grant and rates revenue and goes out in formal budget allocations. Therefore, the risks are the same and are extremely low. Checks and balances already exist, so there is a danger of trying to put in place an unnecessarily cumbersome system for one type of expenditure that would be in place for another. In that sense, the integrity of the amendment is right, and we should proceed on that basis.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. I support the principles that Lord Morrow enunciated earlier on amendment No 34. Those of us who are involved in country sports and who have many constituents who are involved in country sports know the anomaly that exists. The right has been established, within reason, to hold a firearm — in this case, a shotgun. It has already been established that people can conduct a one-off, one-on transaction, and the amendment allows an extension of that. From talking to other Members today, I believe that the proposal has been discussed with the police, who do not see any problem with it. Likewise firearms dealers, with whom I have a fair bit of communication, also presented the proposals and discussed them at length, through their organisation, with the police.

Therefore, the proposal is not new to the House. Perhaps a bit of dialogue should have been conducted with my colleagues who are members of the Committee, but we can park that now and move on and discuss issues. Maybe there

are lessons for the future. People can conduct those transactions already, and the amendment is a way of extending and expanding it to, for example, air weapons. Incidentally, in Britain, a firearms certificate is not needed if an air rifle is under 12 foot pounds force. A person who obtains a new air weapon has to apply for it under a variation, which, as Lord Morrow mentioned, can go up to firearms licensing headquarters and take quite a considerable time.

The amendment would move that transaction, whether for an air weapon, a rimfire rifle or a centre-fire weapon, to a like-for-like transaction. It would be a one-off, one-on transaction. It is a simple transaction that has been conducted already by the dealers, and the facility can be extended to those other weapons. It makes practical common sense, and it also facilitates the movement of stock among gun dealers, many of whom find that such delays cause problems for their businesses. I support the principles behind the amendment, which I regard as good common sense.

Mr McFarland: I was reading the Committee for Justice's discussions on issues concerning amendment No 33, which are included in the Committee's report. I try not to be sceptical, but like my colleague Lord Empey, I wonder where the amendment has come from and what it is for. I understand the point about needing to use the assets that are recovered in some way; that is a really good idea.

However, systems are already in place — through his Department, presumably — for allocating funds to the PSNI or whoever else needs them. When I read the way in which the amendment is written, it takes me back to 2002 and the community safety partnerships. As I recall, the NIO slipped in a few words about raising additional funds so that communities could provide their own safety. At the time, and perhaps for understandable reasons, communities were to be allowed to provide various local security services and to end up providing policing on their own street corners, because, at the time, the PSNI was not acceptable.

The situation now is that additional funds are coming in, but they are not part of the Budget that goes through this place. The Minister has been advised to insert a new clause, which allows him to pay such persons as he thinks suitable to prevent crime or reduce the fear of crime. I worry that he received advice that it

would be useful to go to community groups that might otherwise not get money to help them to prevent crime or reduce the fear of crime.

Will the Minister assure the House that the assets will go through official police schemes and official community schemes that have been examined and are bona fide, and that we are not trying to slip in the same old nonsense that we tried in 2002, which is to give people some sort of authority to provide security in their areas with a few additional funds that the Minister has been given?

The Minister of Justice: Members will be delighted to hear that I do not propose to go back through all the amendments in this group, but I want to speak to a number of points that have attracted the limited amount of interest that remains at this late sitting of the Assembly.

Assets recovery is a positive benefit of devolution. It is a matter of using criminal assets recovered in Northern Ireland for the benefit of Northern Ireland. The alternative is that they remain in the Home Office to be used for the benefit of England and Wales. Given that almost everyone in the Chamber today is in favour of devolution, we want that money to be used to reduce crime and the fear of crime and to support the assets recovery process in Northern Ireland. To be able to do that, this new clause is a requirement. Without this requirement in primary legislation, the one-year agreement with the Department of Finance and Personnel, which is covered by the Budget, would not carry forward, and the Assembly would wave farewell to approximately £1.4 million a year. On that basis, we are all in favour of it.

Twice, the new clause states that the approval of DFP is required, and it makes clear what the money can be used for. That should provide a certain reassurance. I hope that Mr McFarland will accept my personal assurance that, as long as I am Minister of Justice, the money will be used through the existing structures, the new PCSPs and our other direct linkages. The money will be fed back into asset recovery to ensure that it is used entirely for the benefit of legitimate organisations in this community. He may choose to make allegations about slush funds operated by other people in the past, but that is not the aim of this new clause.

I accept what Lord Empey said earlier about there being some concerns. However, I believe that this is the same effective basis in

statute that already applies to the work of the community safety unit. In accepting that there are legitimate concerns about how money might be used at some point in the future, I ask the House to agree to amendment No 33, to build it up as good news, as Lord Empey described, and to ensure that we retain the £1.4 million.

5.00 pm

I will give an undertaking to Lord Empey and to any other concerned Members — Mr McFarland may wish to join that group — that I will engage with them and with my officials to see what practical strengthening is possible and, if necessary, to table amendment at Further Consideration Stage and, perhaps, to add further subsections to the clause to ensure that it is made quite clear how the money will be administered; what checks there will be; and whether it relates to consultation with the Committee or to producing an annual report, for example. I am determined to see that that money is retrieved from the Home Office because we have spent several months debating with it the issue of when our money will come back here for us to spend. I am determined to carry that through. I am also determined that concerns that have been raised by Lord Empey will be covered and that we will ensure that money is used legitimately, as stated in the amendment, to:

“(a) prevent crime or reduce the fear of crime; or

(b) support the recovery of criminal assets and proceeds of crime.”,

in a way that benefits the community legitimately, straightforwardly and fairly. I hope that Lord Empey will accept that assurance that I take his concerns seriously. I hope that we will pass the amendment and consider what more is necessary.

Lord Empey: I thank the Minister for his comments and undertakings. He has summed it up for us: it is a good-news story. We want to ensure that he has the power to dispense funds. However, Mr McFarland reminded us of a previous attempt at such things. Perhaps, because of our conditioning over the years, we are super-sensitive to those things.

I may be making a mistake, and not for the first time, but I am prepared to trust the Minister's word that he will bring additional clauses, hopefully, during the next Stage of the Bill, to

strengthen it. That is our only problem with it. We do not object in principle to 94A(1)(a) and (b) as they stand; the issue is that they do not include anything else. The Minister has made a commitment to the House and has indicated that he will engage with those of us who have concerns or with the Committee. On that basis, my party will not oppose the amendment.

The Minister of Justice: I thank Lord Empey. It is worthwhile giving way on some occasions. I have a slight caveat, however: I did not promise to bring forward additional clauses; I promised to examine what we could do to strengthen the clause. That may or may not require an additional clause or subsection. However, we will examine it in full and discuss it with any interested Members.

Lord Empey: The Minister knows our concerns. I have no hang-up about the precise mechanism, the nature of the clause or its language. However, we believe the clause, as it stands, to be inadequate; therefore, we could not support it. We will not oppose it on the understanding that the Minister will seriously engage with the objective of ensuring that something is introduced that will strengthen it. I have no doubt that he will do so. I cast no aspersions on the Minister that he would dream of giving money to an illegitimate group or to a group that he, or any of us, would regard as unsatisfactory. However, even he would have to concede that he may not be Minister of Justice for ever.
[Laughter.]

Mr McNarry: Hear, hear.

The Minister of Justice: I do not believe that I ever claimed that that would be the case, Mr Speaker. However, I am moderately hopeful of remaining Minister of Justice till early May 2011.

Lord Empey makes the point, entirely fairly, that that is a legitimate concern. However, I ask that as well as making jokes about whether I will be Minister for ever, he acknowledges that I am the Minister under devolution. I report to the Assembly. Concerns that might have been expressed about certain activities by certain people under direct rule are no longer relevant.

Few points were made about rules committees other than that which was made by Lord Morrow, and which I will acknowledge, that there are issues with rules committees that could not be addressed in the Bill because of timing. However, we will seek to address them when the

Department of Justice next produces legislation. We will probably get stuck for that being yet another miscellaneous provision.

It seems that the court funds issue is generally accepted. I welcome that, because it is something that will clarify the law. Similarly, some of the rules and regulations as to how we deal with introducing more affirmative action are being welcomed across the House.

Finally, let me turn to an issue on which Lord Morrow and others have made particularly strong cases for changes, although I acknowledge that Lord Morrow has said that, at this point, he does not intend to push his amendment Nos 35 and 36. I accept that there is a strong case for extending the principle of the one-for-one transactions, whether it be one-off, one-on, or one-on, one-off, and that has been stated around the House. We seem to agree on the principle, if not on the wording. Since it has worked reasonably satisfactorily for shotguns for five years, there is merit in examining the issue to see whether it can be extended further.

I have slight concerns with the precise wording of amendment No 34, as has been put forward by Lord Morrow. I will give an undertaking to go as speedily as I can to legislative draftsmen to seek their advice on ensuring that we have the best possible wording for it, and Lord Morrow or I could introduce at Further Consideration Stage amendment No 34 as it stands or something with slightly different wording. It is clear that there is a significant body of opinion round the House that wishes to see that move forward.

The Chairperson of the Committee for Justice: The charms of the Minister know no bounds. I was often told that the tone of what a person says is as important as the content. I have listened to the tone of the Minister today, and I have noted it. When it comes to the moved or not moved stage, I will bear in mind what the Minister has said.

The Minister of Justice: I am not sure whether there are any Kremlinologists in the House to ascertain how I should respond to that. It certainly was a Delphic comment.

It is clear that there is a mood round the House that we need to look at this. With due respect to Lord Morrow, let us ensure that an amendment that he has introduced has the best possible wording for what he seeks to do and

what the House clearly wishes to do. I ask him to exercise that degree of caution today. The alternative might be that I will be back at Further Consideration Stage proposing an amendment to what he has amended at this stage, in order to ensure that it is properly watertight. I do not think that that would be satisfactory.

I move now to Lord Morrow's other amendments. He has highlighted that he does not intend to push them today, but I will repeat the commitment that has been given that the Department will look as early as possible at the general issue of firearms legislation. Five years have passed since the 2005 legislation was introduced. It is entirely reasonable that we should look to see how it works and at what meets the needs of Northern Ireland and those who will legitimately hold firearms in this society in coming years. I am prepared to say that we will have a wider look at the other issues that he has raised, but the issue at this point is to ensure that, if we are to extend one-for-one transactions, it is done in a way that is absolutely watertight and meets our needs.

I think that we can conclude the discussion at this point, though I expect, Mr Speaker, that you have several minutes' more work to get the Divisions through. I shall relax through them.

Question, That amendment No 33 be made, put and agreed to.

New clause ordered to stand part of the Bill.

New Clause

Mr Speaker: Amendment No 34 is mutually exclusive with amendment No 35. If amendment No 34 is made, I will not call amendment No 35. I call Lord Morrow to move amendment No 34.

Amendment No 34 not moved.

Amendment Nos 35 and 36 not moved.

Clause 95 ordered to stand part of the Bill.

Clause 96 (Membership of Crown Court Rules Committee)

Amendment No 37 made: In page 54, line 39, after "Committee)" insert

"in paragraph (g) for 'one other' substitute 'a' and ". — [The Minister of Justice (Mr Ford).]

Amendment No 38 made: In page 55, line 1 leave out "person" and insert

"practising member of the Bar of Northern Ireland or a practising solicitor". — [The Minister of Justice (Mr Ford).]

Clause 96, as amended, ordered to stand part of the Bill.

Clause 97 (Membership of Court of Judicature Rules Committee)

Amendment No 39 made: In page 55, line 5, after "Committee)" insert

"in paragraph (d) for 'one other' substitute 'a', ". — [The Minister of Justice (Mr Ford).]

Amendment No 40 made: In page 55, line 7, leave out "person" and insert

"practising member of the Bar of Northern Ireland or a practising solicitor". — [The Minister of Justice (Mr Ford).]

Amendment No 41 made: In page 55, line 12, leave out "person" and insert "barrister or solicitor". — [The Minister of Justice (Mr Ford).]

Clause 97, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 42 made: After clause 97, insert the following new clause:

"Funds in court: investment fees or expenses"

97A.—(1) Section 81 of the Judicature (Northern Ireland) Act 1978 (c. 23) (investment of funds in court) is amended as follows.

(2) The existing provision becomes subsection (1) of that section.

(3) After that subsection insert—

'(2) If the High Court or (as the case may be) the county court so orders, the power of the Accountant General under subsection (1)(a) (iii) or (iv) to invest a sum of money in the Court of Judicature or the county court in securities includes the power to pay out of that sum any fees or expenses which are—

(a) incurred in connection with, or for the purposes of, investing that sum; and

(b) of an amount or at a rate approved by the High Court or (as the case may be) the county court.

(3) A court shall not make an order under subsection (2) unless the court considers it necessary and proportionate in all the circumstances to do so.

(4) The High Court or (as the case may be) the county court may, on an application made to it, order that all or part of any sum paid by way of fees or expenses under subsection (2) be refunded where it appears to the court to be in the interests of justice to do so.” — [The Minister of Justice (Mr Ford).]

New clause ordered to stand part of the Bill.

Clauses 98 to 101 ordered to stand part of the Bill.

Clause 102 (Supplementary, incidental, consequential and transitional provision, etc)

Mr Speaker: Amendment No 43 has already been debated. I call the Minister to move formally amendment No 43.

The Minister of Justice: Moved.

Mr Speaker: The Question is that clause 102, as amended, stand part of the Bill. All those in favour say Aye.

Some Members: Aye.

Mr Speaker: Contrary, if any, No.

The Ayes have it.

Clause 103 (Regulations and orders)

Amendment No 44 made: In page 61, line 18, leave out subsections (2) to (4) and insert

“(2) Subject to subsection (3), orders made by the Department under this Act are subject to negative resolution.

(3) Subsection (2) does not apply to—

(a) an order under section 1(7), 5(1)(c), 6(3), 44(9), 64(2), 82(5) or 107(3);

(b) an order under subsection (1) of section 102 to which subsection (5) of that section applies.” — [The Minister of Justice (Mr Ford).]

Clause 103, as amended, ordered to stand part of the Bill.

Clauses 104 to 106 ordered to stand part of the Bill.

Clause 107 (Commencement)

Amendment No 45 made: In page 62, leave out line 8 and insert

“(c) sections 94 and (Power of Department to make payments in relation to prevention of crime, etc.).” — [The Minister of Justice (Mr Ford).]

Mr Speaker: I will not call amendment No 46, as it is related to clause 43, which does not stand part of the Bill.

Clause 107, as amended, ordered to stand part of the Bill.

Clause 108 ordered to stand part of the Bill.

Schedule 1 (Policing and community safety partnerships)

Amendment No 47 made: In page 65, line 9, leave out sub-paragraph (12). — [The Minister of Justice (Mr Ford).]

Mr Speaker: Amendment No 48 is mutually exclusive with amendment Nos 49 and 50. If amendment No 48 is made, I will not call amendment No 49.

Amendment No 48 proposed: In page 66, line 4, at end insert

“(2A) The joint committee shall issue to PCSPs a list of organisations appearing to the joint committee to be appropriate for designation under sub-paragraph (1).

(2B) The joint committee may revise and re-issue that list.

(2C) In making any designation under sub-paragraph (1) a PCSP must take into consideration any organisation for the time being on a list issued under sub-paragraph (2A) or (2B).” — [The Minister of Justice (Mr Ford).]

Question put.

The Assembly divided: Ayes 6; Noes 63.

AYES

Mr Attwood, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle.

Tellers for the Ayes: Ms Lo and Mr Lunn.

NOES

Ms M Anderson, Mr S Anderson, Mr Armstrong, Mr Bell, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr Brady, Mr Bresland, Lord Browne, Mr Buchanan,

Mr Burns, Mr Butler, Mr Callaghan, Mr T Clarke, Mr Craig, Mr Cree, Mr Dallat, Mr Doherty, Mr Easton, Mr Elliott, Lord Empey, Mr Frew, Mr Gibson, Ms Gildernew, Mr Hamilton, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr G Kelly, Mr Kinahan, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr McCallister, Mr F McCann, Mr McCartney, Mr B McCrea, Mr I McCrea, Mr McDevitt, Dr McDonnell, Mr McElduff, Mr McFarland, Mrs McGill, Mr McGlone, Miss McIlveen, Mr McLaughlin, Mr McQuillan, Lord Morrow, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Mr G Robinson, Mr K Robinson, Mr Ross, Mr Sheehan, Mr Spratt, Mr Weir, Mr Wells.

Tellers for the Noes: Mr D Bradley and Mr Brady.

Question accordingly negated.

Amendment No 49 made: In page 66, line 4, at end insert

"(2A) The Department may by order designate organisations for the purposes of this paragraph.

(2B) No order may be made under sub-paragraph (2A) unless—

(a) the Department has consulted each PCSP; and

(b) a draft of the order has been laid before, and approved by a resolution of, the Assembly." — [The Chairperson of the Committee for Justice (Lord Morrow).]

Amendment No 50 made: In page 66, line 5, after "PCSP" insert

"or by an order under sub-paragraph (2A)". — [The Chairperson of the Committee for Justice (Lord Morrow).]

Amendment No 51 made: In page 68, line 4, Leave out sub-paragraphs (4) and (5) and insert

"(4) At any time thereafter, there shall be—

(a) a chair appointed by the council from among the political members; and

(b) a vice-chair elected by the independent members from among such members.

(5) In appointing to the office of chair, the council shall ensure that, so far as practicable—

(a) a person is appointed to that office for a term of 12 months at a time or, where that period is shorter than 18 months, for a period ending with the reconstitution date next following that person's appointment;

(b) that office is held in turn by each of the four largest parties represented on the council immediately after the last local general election." — [The Chairperson of the Committee for Justice (Lord Morrow).]

Amendment No 52 made: In page 70, line 19, at end insert

"Expenses

16A. The council may pay to members of a PCSP such expenses as the council may determine." — [The Minister of Justice (Mr Ford).]

Amendment No 53 made: In page 70, line 21, leave out paragraph 17 and insert

"17.—(1) The Department and the Policing Board shall for each financial year make to the council grants of such amounts as the joint committee may determine for defraying or contributing towards the expenses of the council in that year in connection with PCSPs.

(2) A grant made by the Department or the Policing Board under this paragraph—

(a) shall be paid at such time, or in instalments of such amounts and at such times, and

(b) shall be made on such conditions,

as the joint committee may determine.

(3) A time determined under sub-paragraph (2) (a) may fall within or after the financial year concerned." — [The Minister of Justice (Mr Ford).]

Schedule 1, as amended, agreed to.

Schedule 2 (District policing and community safety partnerships)

Amendment No 54 proposed: In page 73, line 36, leave out sub-paragraph (11). — [The Minister of Justice (Mr Ford).]

Question put.

Mr Speaker: I think that the "Noes" have it.

I will put the Question again. There may be some confusion around the Chamber, so let us bring some clarity to it.

Question put.

Mr Speaker: Order. I am conscious that there is some slight confusion around the House, so I am suspending the sitting to allow Members to try to come to an understanding.

The sitting was suspended at 5.38 pm and resumed at 5.40 pm.

Mr Speaker: I shall put the Question again on amendment No 54.

Question, That amendment No 54 be made, put and agreed to.

Amendment No 55 proposed: In page 74, line 36, at end insert

“(2A) The joint committee shall issue to DPCSPs a list of organisations appearing to the joint committee to be appropriate for designation under sub-paragraph (1).

(2B) The joint committee may revise and re-issue that list.

(2C) In making any designation under sub-paragraph (1) a DPCSP must take into consideration any organisation for the time being on a list issued under sub-paragraph (2A) or (2B).” — [The Minister of Justice (Mr Ford).]

Question put and negatived.

Amendment No 56 made: In page 74, line 36, at end insert

“(2A) The Department may by order designate organisations for the purposes of this paragraph.

(2B) No order may be made under sub-paragraph (2A) unless—

(a) the Department has consulted each DPCSP; and

(b) a draft of the order has been laid before, and approved by a resolution of, the Assembly.” — [The Chairperson of the Committee for Justice (Lord Morrow).]

Amendment No 57 made: In page 74, line 37, after “DPCSP” insert

“or by an order under sub-paragraph (2A).” — [The Chairperson of the Committee for Justice (Lord Morrow).]

Amendment No 58 made: In page 76, line 35, leave out sub-paragraphs (4) and (5) and insert

“(4) At any time thereafter, there shall be—

(a) a chair appointed by the council from among the political members; and

(b) a vice-chair elected by the independent members from among such members.

(5) In appointing to the office of chair, the council shall ensure that, so far as is practicable—

(a) a person is appointed to that office for a term of 12 months at a time or, where that period is shorter than 18 months, for a period ending with the reconstitution date next following that person's appointment;

(b) that office is held in turn by each of the four largest parties represented on the council immediately after the last local general election.” — [The Chairperson of the Committee for Justice (Lord Morrow).]

Amendment No 59 made: In page 79, line 21, at end insert

“Expenses

16A. The council may pay to members of a DPCSP such expenses as the council may determine.” — [The Minister of Justice (Mr Ford).]

Amendment No 60 made: In page 79, line 23, leave out paragraph 17 and insert

“17.—(1) The Department and the Policing Board shall for each financial year make to the council grants of such amounts as the joint committee may determine for defraying or contributing towards the expenses of the council in that year in connection with DPCSPs.

(2) A grant made by the Department or the Policing Board under this paragraph—

(a) shall be paid at such time, or in instalments of such amounts and at such times, and

(b) shall be made on such conditions,

as the joint committee may determine.

(3) A time determined under sub-paragraph (2)

(a) may fall within or after the financial year concerned.” — [The Minister of Justice (Mr Ford).]

Schedule 2, as amended, agreed to.

Schedule 3 (Regulated matches)

Amendment No 61 made: In page 81, line 7, leave out from “or” to end of line 9. — [The Minister of Justice (Mr Ford).]

Amendment No 62 made: In page 81, line 19, leave out from “or” to end of line 21. — [The Minister of Justice (Mr Ford).]

Schedule 3, as amended, agreed to.

Schedules 4 and 5 agreed to.

Schedule 6 (Minor and consequential amendments)

Amendment No 63 made: In page 83, line 32, at end insert

“The Judicature (Northern Ireland) Act 1978 (c. 23)

. In section 82(1) (rules as to funds in court)—

(a) in paragraphs (c) and (d) for ‘81(b)(ii)’ substitute ‘81(1)(b)(ii)’; and

(b) in paragraph (k) for ‘81(a)(iv)’ substitute ‘81(1)(a)(iv)’.” — [The Minister of Justice (Mr Ford).]

Schedule 6, as amended, agreed to.

Schedule 7 (Repeals)

Amendment No 64 made: In page 87, line 38, at end insert

“PART 4

SOLICITORS’ RIGHTS OF AUDIENCE

Short Title	Extent of repeal
<i>The County Courts (Northern Ireland) Order 1980 (NI 3).</i>	<i>In Article 50(1)(c), the words ‘, but not a solicitor retained as an advocate by a solicitor so acting’.”</i>

— [The Minister of Justice (Mr Ford).]

Schedule 7, as amended, agreed to.

Long Title

Amendment No 65 made: After “legal aid;” insert

“to confer additional rights of audience of certain solicitors;”. — [The Minister of Justice (Mr Ford).]

Long title, as amended, agreed to.

Mr Speaker: Just before we conclude the Consideration Stage of the Justice Bill, I want to refer Members back to amendment No 43. To give clarity, amendment No 43 has been made and clause 102, as amended, ordered to stand part of the Bill. I see that all Members understand what I am saying.

Mr B McCrea: Amendment No 42?

Mr Speaker: Amendment No 43.

That concludes the Consideration Stage of the Justice Bill. The Bill stands referred to the Speaker. I ask the House to take its ease before we move on to the Consideration Stage of the Autism Bill.

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

Private Members’ Business

Autism Bill: Consideration Stage

Mr Deputy Speaker: I call the sponsor, Mr Dominic Bradley, to move the Consideration Stage of the Autism Bill.

Moved. — [Mr D Bradley.]

Mr Deputy Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list.

There is one group of amendments. The single debate will be on amendment Nos 1 and 2, which deal with the definition of disability in the Disability Discrimination Act 1995 (DDA) and autism awareness training. When the debate on the group is completed, the Question on amendment No 1 will be put. The second amendment in the group will be moved formally when we come to clause 3. The Question on it 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 (Amendment to the Disability Discrimination Act 1995 (c. 50))

Mr Deputy Speaker: We now come to the group of amendments for debate. With amendment No 1, it will be convenient to debate amendment No 2. The amendments deal with the removal of a subsection of clause 1, which would have amended the definition of disability in the Disability Discrimination Act 1995, and the removal of a subsection of clause 3 relating to autism awareness training.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. I beg to move amendment No 1: In page 1, line 5, leave out subsection (2).

The following amendment stood on the Marshalled List:

No 2: In clause 3, page 2, line 28, leave out subsection (5). — *[Mr D Bradley.]*

Mr D Bradley: As is appropriate at Consideration Stage, I will address the two amendments on the Marshalled List. I dealt with the general principles of the Bill at Second Stage, and it is not my intention to rehearse the points that I made on that occasion.

Amendment No 1 refers to clause 1, line 5. It seeks to omit subsection (2), which sought to amend the Disability Discrimination Act 1995 by inserting the words “social” and “communication” after the words “a physical”. The legal advice that was available to me strongly suggested that the insertion of the words “social” and “communication” could, in fact, be detrimental to the Bill rather than helpful, which was my original intention. The Health Committee advice concurs with the advice that I received. I am happy to agree with the Committee on that issue.

It is considered that the terms “physical” and “mental” together are all-encompassing and that adding additional categories would carry the legislative risk of restricting the scope of the Bill rather than expanding it, which was my original intention. The term “physical or mental” in the DDA is considered to be all-encompassing. Specifying additional categories could mean that categories not included could be excluded from the scope of the DDA.

The possible addition of the terms “sensory” or “communication” to broaden the definition of disability, as contained in the DDA, was referred to in a proposed measure of the National Assembly for Wales. The House of Commons Welsh Affairs Committee addressed that issue and noted:

“Both this Committee and the Assembly Committee examined whether the term ‘physical or mental impairment’ needed to be qualified in order to ensure that persons with a sensory or communications impairments, for example, would be included within its scope...”

The Assembly Parliamentary Service Legal Division confirmed that ... it seems clear that a communication impairment will inevitably fall under either a ‘mental’ or ‘physical’ impairment ...

Advice prepared by the Assembly Parliamentary Service Legal Division for the Assembly Committee noted ... if a definition is a broad one (as ‘physical or mental impairment’ appears to be) then there are risks in grafting on to it references to specific conditions which are already covered. For example, adding a specific reference to ‘communication

impairment’ could give the impression that ‘physical or mental impairment’ is not as all-encompassing a definition as it would otherwise appear to be.

It is a principle of statutory interpretation that if there are a number of similar specific situations and only some of them are mentioned then the intention must be to exclude the ones which are not.”

Clause 1(3), which amends the Disability Discrimination Act 1995, states:

“At the end of paragraph 4(1) of Schedule 1 insert —

‘(i) taking part in normal social interaction; or

(j) forming social relationships.’”

I am content that that will ensure that autism can and will be included in the definition of disability under the Disability Discrimination Act 1995. On that basis and on the basis of the legal advice available and the experience in other legislatures, I am happy to move amendment No 1.

Amendment No 2 would omit clause 3(5), which sought to place a duty on the Department to set out the steps it proposed to take to ensure that Northern Ireland Civil Service staff who deal directly with the public in their duties be given autism awareness training. I am satisfied that clause 3(4), which places a duty on the Department to set out proposals for promoting an autism awareness campaign, will obviously contain an element of staff training. I contend that the autism strategy, which is outlined in some detail in the Bill, also implies an element of staff training. I am, therefore, happy to leave a certain degree of flexibility to the Department in that respect, as I wish to avoid unnecessary duplication in the Bill. The level and extent of training will be for the Department to decide within the parameters of the prevalence of autism among the population, which will in itself help to determine the strategy.

I believe that I have honestly addressed the concerns that arose about the Bill at Committee Stage, which was conducted by the Health Committee. I thank the members of the all-party group on autism, which has supported the Bill at every stage and given me valuable help and assistance when asked to do so. I also thank the Health Committee and its staff for their close scrutiny of the Bill and co-operation. The staff in the Bill Office, including Eilis Haughey, who is here today, have also been very helpful

during the various stages of the Bill. I also thank Autism NI and PAL for their support. I ask Members to support the amendments.

I commend the amendments to the House.

6.00 pm

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

On behalf of the Committee, I welcome the Consideration Stage. The Bill is timely and welcome. Having looked closely at the Bill and what it has to offer, the Committee is confident that it will enhance the provision of services to and support for people who are on the autism spectrum.

The Bill was referred to the Committee on 7 December 2010. The Committee sought a short extension of three days to 11 February to ensure that it dealt with it in a timely manner and to allow sufficient time for it to progress through the necessary legislative stages before the dissolution of the Assembly on 24 March 2011.

The Committee received written submissions from 33 organisations and individuals and took oral evidence from representatives of the widest possible range of interested parties in the time available. Its report was concluded on 10 February 2011.

The Committee's detailed scrutiny led to it recommending to the sponsor of the Bill, Mr Dominic Bradley, that he table amendments to two clauses. I am pleased to report that all the recommendations have been accepted by Mr Bradley and are reflected in the amendments that we are considering today. I thank Mr Bradley for his co-operative approach and for taking on board the Committee's recommendations.

Before I talk specifically about the amendments, I will provide a synopsis of the work undertaken by the Committee and an overview of the key issues that we identified as we scrutinised the Bill. First, we considered whether there was a need for an amendment to the Disability Discrimination Act 1995, or the DDA, as I will refer to it during the rest of my speech. We also considered whether there was a need to legislate for an autism strategy and the cost of any such strategy.

I will comment briefly on clause 1(3), which seeks to expand the list of normal day-to-day activities contained in schedule 1 to the DDA. Clause 1(3) seeks to add to the list, "taking

part in normal social interaction" and "forming social relationships". A consultation document was published in Great Britain on guidance for defining disability in the context of the Equality Act 2010. The document includes the following day-to-day activity:

"significant difficulty taking part in normal social interaction or forming social relationships".

The Committee noted that the wording is very similar to that used in clause 1(3) and was, therefore, content that the schedule to the DDA should be amended in that way.

The Committee also debated issues around clause 2, which effectively legislates for a cross-departmental strategy on autism. Opinion was divided among stakeholders on the merits or otherwise of legislation for an autism strategy. It was noticeable that there were deeply held views on both sides. The evidence was by no means uniform, and the witnesses were certainly not united on the issue.

Those who supported the clause made the general argument that legislation is required to ensure that all Departments work in a joined-up manner to produce a comprehensive strategy to deal with ASD. However, other organisations took the view that the current autism strategies delivered by the Department of Health, Social Services and Public Safety and the Department of Education work well and that to create a new strategy would result in more bureaucracy. Furthermore, they argued that designing —

Mr I McCrea: Will the Member give way?

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

Mr I McCrea: I thank my colleague for giving way. He referred to the fact that other organisations gave evidence to the Committee, some of which obviously did not support the need for the Autism Bill. One person who gave evidence was the chairperson of the Regional Autistic Spectrum Disorder Network Reference Group, Ken Maginnis. He spoke on behalf of that organisation when not everyone in that organisation agreed with what he was saying. Does the Member accept that, although Ken Maginnis was giving a view as the chairperson of that group, he is also appointed to that group by the Minister and, therefore, his views would be based on the Minister's beliefs? Obviously, everyone knows that the Minister

does not support the Autism Bill. Does the Member accept that some of the views that Ken Maginnis gave may not have been representative of the thoughts of everyone in that organisation?

Mr Deputy Speaker: I inform Members that latitude is available only to the Chairperson of the Committee. All other Members will have to talk to the amendments.

The Chairperson of the Committee for Health, Social Services and Public Safety: When he gave evidence, Lord Maginnis made it clear that he was speaking on behalf of a group within which there was a divergence of opinion on the issue. It was quite clear from his evidence that he was opposed to the proposed Bill. We were not left in any doubt about that whatsoever. I should add that other organisations such as the Aspergers Network made it equally clear that they were opposed to the Bill. Other groups, of course, very strongly supported the Bill, but it was noticeable —

Mr D Bradley: Will the Member give way?

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

Mr D Bradley: I debated the Autism Bill in public with Lord Maginnis. He was opposed to the Bill before it was even drafted and before he knew what it would contain. It was always going to be difficult to convince Lord Maginnis because, without having seen the Bill, he was opposed to it.

Mr Deputy Speaker: I again remind Members that they must focus on the amendments. Only the Chairperson has latitude, and I am sure that he will use it wisely.

The Chairperson of the Committee for Health, Social Services and Public Safety: I did not realise that I had such power, Mr Deputy Speaker.

Some who were opposed to the Bill argued that designing a new autism strategy would be costly in time and money, and that resources would be better used to provide services for people with ASD. After considering the evidence, the Committee came to the view that a legislative requirement for all Departments to co-operate in the production of an autism strategy was a positive step forward. The Committee's view was that, without legislation, it would be difficult to ensure that Departments other than the Department of Health, Social Services and

Public Safety and the Department of Education fully participated in the strategy.

I turn to the first amendment, which concerns the Disability Discrimination Act 1995. The Committee welcomes amendment No 1, which would delete clause 1(2) from the Bill. Clause 1(2) as originally drafted had the purpose of clarifying that people with ASD fell within the scope of the DDA. A view has been expressed by stakeholders that there is ambiguity as to whether people on the autistic spectrum are currently covered by the DDA, and that that can have a detrimental effect on their ability to access services and benefits. However, the Committee considered a range of evidence that suggested that it might be problematic to amend the DDA in the way that had been proposed by the sponsor of the Bill.

The Committee considered a research paper that pointed to a view that the term "physical or mental impairment" had been intended as all-encompassing when the DDA was introduced. That paper also noted that a view had been expressed in other jurisdictions that to amend the term "physical or mental impairment" could, in fact, narrow the scope of those who would fall within the definition of a person with a disability. When the Committee took evidence from Mr Bradley on the Bill, members raised those issues of concern with him. Mr Bradley advised the Committee that he had further considered amending the definition of disability and had reached the decision to leave out clause 1(2). The Committee welcomed Mr Bradley's commitment to introduce an amendment to that effect.

I turn to amendment No 2 to clause 3(5), which deals with the provision of autism awareness training for civil servants who deal directly with the public. A number of stakeholders raised concerns about the potential financial implications of that proposal. The Health Department indicated that it would likely cost £1.8 million to train civil servants. The Minister of Finance and Personnel also indicated to the Committee that he had concerns about the cost. Other groups were anxious that money not be directed away from front line services in health and social care trusts and towards training for civil servants. On hearing those views, Mr Bradley initially advised the Committee that he believed that the figure of £1.8 million, which was quoted by the Department, was too high, and that some of that cost was already

being met by the system because some public servants already receive autism training.

Mr Bradley further indicated that he was considering an amendment to change the reference from “Civil Service staff” to “public servants”. In response, the Minister of Health, Social Services and Public Safety wrote to the Committee to express concern that such an amendment could potentially cost his Department some £4.6 million. When Mr Bradley was made aware of those concerns, he wrote to the Committee to advise that he intended to completely withdraw clause 3(5). The Committee was content with that proposed amendment.

I have outlined the view of the Committee, and I must emphasise that I am speaking in my capacity as Chairman. Those views are not necessarily my own.

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. Given your ruling, Mr Deputy Speaker, I will speak to the two amendments. I declare an interest as a member of the all-party working group on disability.

I am in favour of the two amendments that have been tabled. Both amendments were suggested by the Committee as part of its deliberations on the Bill, and I am delighted that Mr Bradley has taken them on board and tabled them. The Committee spoke to many groups, organisations and stakeholders in the brief time that was available to it, and I put on record the Committee's thanks to all the groups that contributed in any way.

I think that it is fair to say that, while there are many who are in favour of the Bill, there are some who have concerns about it. It is important that all those views are heard and reflected. There are also those who fear that we could create a hierarchy of disability. I want to set the record straight today: that is not the intention of the Bill, nor is it the intention of Sinn Féin, which believes in equality for everyone. I do not believe that the Bill will create a hierarchy of disability.

Sinn Féin supports amendment No 1, which proposes to leave out subsection (2) of clause 1. Concerns were expressed that amending the DDA to include social and communication disability would, in fact, dilute the DDA. Removing subsection (2) addresses those concerns. Sinn Féin is not interested in diluting

disability discrimination legislation, nor do I believe that any other party in the Chamber is.

Sinn Féin welcomes amendment No 2, which proposes to remove subsection (5) from clause 3. Given the difficult financial climate that we find ourselves in, training all public service staff would be very costly, but it is something that we could return to later, when the autism strategy is being developed.

It is no secret that the Minister, Michael McGimpsey, has been opposed to the Bill from the outset. It is reflective of his attitude to date that he is not in the Chamber today to speak to this legislation. That is typical of his flippant attitude, and he is holding the House in contempt by not being here today to address the positions that the parties have put forward on the amendments. I think that it is time that we had a new Health Minister. His position is not good enough. If he had been here, he would have talked about the good work that the Department has done in bringing forward an action plan, and, obviously, that is something that we welcome. However, the legislation that is being discussed today provides the legislative framework to meet the needs —

Mr Deputy Speaker: Order. The Member is straying well off the amendment.

Mrs O'Neill: I believe that this —

Mr McCallister: On a point of order, Mr Deputy Speaker. Can you give us any guidance as to whether there is any duty on the Minister to be here to respond to a private Member's Bill?

Mr Deputy Speaker: That is entirely a matter for the Executive. It has nothing to do with the Deputy Speaker.

Mrs O'Neill: I think that it would show good leadership, even in times of difficult decisions or difficult issues, for a Minister to respond —

Mr Deputy Speaker: Order, please. The Member is once again straying from the amendment.

Mrs O'Neill: The legislation and the amendments provide us with the opportunity to build on a legislative framework to meet the needs of all those with autism.

Mr McCallister: I thank Mr Bradley for bringing the Bill to the House, and I thank the Committee, the staff and all the witnesses who helped us in our scrutiny of the Bill. It is well

known that I and the rest of the Ulster Unionist Party have huge concerns about the Bill. Mrs O'Neill mentioned a hierarchy of disability. How do we legislate for a cross-departmental strategy, considering that one Department has a strategy that seems to be obsessed with a place in Middletown that does not meet any real needs?

I will move quickly back to the amendments, which I welcome. I have serious concerns and reservations about the Bill. I have concerns about its compatibility with human rights. However, I welcome the amendments that Mr Bradley proposes around the changes to the DDA and the cost of training. It is useful to remove some of the pressures that the Health Minister and the Minister of Finance and Personnel have identified.

6.15 pm

Mr D Bradley: The Member may recall that when we discussed the Second Stage of the Bill on 7 December 2010, his colleague the Minister of Health, Social Services and Public Safety told us that he had concerns about the Bill's compliance with the European Convention on Human rights. He said:

"I have sought the view of the Attorney General on the Bill's competence and will return" — [Official Report, Bound Volume 58, p345, col 2].

Mr Deputy Speaker: Order. Mr Bradley, that is not in the amendment.

Mr D Bradley: I stand corrected, Mr Deputy Speaker. However, Mr McCallister referred to that, and I want to make the point that the Minister said that he would return to Members when that view had been received. He has not returned to Members. Therefore, I take it that no human rights issues were raised by the Attorney General.

Mr Deputy Speaker: Members really must speak to the amendments; that will make it a good debate for everybody. Everybody will be treated in exactly the same way. I made the ruling clear at the beginning of the debate; I now insist that it remain that way.

The Chairperson of the Committee for Health, Social Services and Public Safety: On a point of order, Mr Deputy Speaker. You were very generous in allowing me, as Chairman of the Committee, to bring up issues. The difficulty that I have with the way that the debate is

going is that, since Second Stage, quite a lot has happened to the Bill that extends beyond the amendments that have been brought by Mr Bradley. A serious debate has taken place. Are you saying that none of those issues can be debated this evening and that all that Members, apart from me, can discuss are the two amendments?

Mr Deputy Speaker: That is absolutely correct, Mr Wells. I remind Members that there will be an opportunity at Final Stage for a full debate on the merits of the Bill. Today, however, we are debating the amendments only. I hope that that makes it clear for everybody.

Mr McCallister: Thank you, Mr Deputy Speaker. I will respond to Mr Bradley at Final Stage. I support the two amendments but have serious reservations about the Bill.

Mr Lyttle: I too want to recognise the work of the all-party group on autism, of which my colleague Kieran McCarthy is a member. I also recognise that there are organisations with substantive concerns about the Bill. However, I support its purpose and the amendments to it. There is an obvious need to amend the Disability Discrimination Act 1995 to clarify any ambiguity on whether autism spectrum disorder is a disability and to require cross-departmental co-operation.

Mr P Ramsey: Does the Member agree that the sponsor of the Bill, Mr Dominic Bradley, has made every possible effort, with the co-operation of the Health Committee and all parties in the Chamber, to get consensus in bringing forward two clear, definitive amendments dealing with training? The sponsor outlined the rationale behind the amendments, so I will not go over it. However, in bringing forward the Bill, he made every effort to ensure that there was no dissent and that the political will was there, which it clearly is.

Mr Lyttle: I thank the Member for his intervention. I wholeheartedly agree with what he said about the hard work that has gone into building consensus on the Bill. I hope that the amendments will tackle the concerns that have been raised about elevating autism above any other disorder and focus the provisions of the Bill on correcting the current omission of ASD from disability legislation. I support the amendments and am confident that they will strengthen those aims. I recognise that the Autism Bill will not be a silver bullet for all the

challenges faced by families with loved ones on the autism spectrum. However, sometimes we need targeted legislation to get things done.

There is an Autism Act in England, a Welsh Government action plan for ASD and a cross-departmental ASD strategy in Scotland. Therefore, I, and my party, think that it is high time that we improve the service and support that we deliver to people and families living with ASD in Northern Ireland. I will support the amendments in order to encourage the timely delivery of the Bill.

Mr Easton: I declare from the outset my full support for the Autism Bill.

Amendment No 1 to clause 1 relates to changes to the DDA. It was felt that clause 1(2) had the potential to narrow the scope of people who fall within the definition of disability. It has been noted that the sponsor of the Bill has decided to leave out that subsection. However, clause 1(3), which expands the list of day-to-day activities in the DDA and adopts a similar approach to that being consulted on for the Equality Act 2010, is to stay. That will help the aspects of autism that are missed out under the DDA to be more easily recognised and will help those who suffer from autism with such things as obtaining DLA.

Amendment No 2 refers to leaving out subsection (5) of clause 3, which would have ensured that Civil Service staff who deal with the public would be given autism awareness training. I regret that this subsection will be left out as I feel that the exaggerated cost claims by the Health Department were a cynical attempt to scupper the Autism Bill. However, clause 3 ensures that persons with autism will have a strategy in place for the rest of their lives, which is good. The Health Department's strategy does not cover that.

Mr Deputy Speaker: Order, please. Could we go back to the amendments?

Mr Easton: I am about to finish, anyway.

Mr B McCrea: That is all right, then.

Mr Easton: Yes, that is fine.

Mr McCallister: *[Interruption.]*

Mr Easton: Absolutely.

Finally, I pay tribute to Dominic Bradley for bringing the Autism Bill to this stage and to the role of the all-party autism working group.

I also pay tribute to Autism Northern Ireland, particularly David Heatley and Arlene Cassidy, for keeping me sane and for helping me with the Bill.

Mr Callaghan: Go raibh maith agat, a LeasCheann Comhairle. I, like other Members, pay tribute to my colleague Dominic Bradley for his persistence, determination and consideration. Although he is not a member of the Health Committee, he continually engaged with Members from different parties as the Bill made its way through the Committee. He was very open-minded and thoughtful about ideas and suggestions that came from the Committee about how the Bill could progress and meet its objectives.

The first amendment, which proposes the deletion of clause 1(2), is a responsible approach to some of the legal issues that were raised with various people. It helps to provide a bit of certainty and clarity about the potential impact of the overall amendments to the DDA that would arise as result of the Bill.

As regards the second amendment, a number of issues were raised by the Department of Health, Social Services and Public Safety and others in written and oral submissions to the Committee about costs that may or may not have been consequential to the passing of the Bill in its original form. I, for one, am confident that the Bill's objective of ensuring that public and civil servants who deal with people with autism and their families can be met through the statutory provisions that are before us without the specific requirements of the subsection that is being removed by the second amendment.

I made a number of points at Second Stage, so I do not need to go into those today. Mr Deputy Speaker, you are, rightly, keeping us very tightly to the subject. However, I pay my regards and give my appreciation to a number of groups, including Autism NI, PAL and various others that gave very passionate opinion and evidence to the Health Committee. As somebody who is fairly new to the whole area, I certainly found it helpful in dealing with the various technical and broader substantive points that were under consideration at Committee Stage. I look forward to the Bill's progress through the House and its enactment before the end of the mandate.

Miss McIlveen: In the absence of the Chairman and Deputy Chairman, I will speak on behalf of the Education Committee.

I wish to inform the House about a particular aspect of the Department of Education's evidence to the Health Committee on how the Bill and the amendments might impact on existing special educational needs legislation. I use the word "might" deliberately, because I understand that the Committee for Education, the Health Committee and the Bill sponsor, Mr Bradley, do not know how the Bill, as it stands, or if the amendments are made, will impact on important existing education legislation. It is important, therefore, that I explain that to the House.

On 1 February 2011, the Committee for Education received a letter from the Department of Education in response to the Health Committee's question on the potential impact of the Autism Bill on the Special Educational Needs and Disability (Northern Ireland) Order 2005 (SENDO). Specifically, the letter referred to whether the Autism Bill would give priority to children with autism over children with other special educational needs. The issue was raised in the —

Mrs O'Neill: Will the Member give way?

Miss McIlveen: Certainly.

Mrs O'Neill: Does the Member agree that, currently, special educational needs are matched to the needs of children and not to diagnoses, so there is nothing in the Bill that would impact negatively on current SENDO legislation?

Miss McIlveen: I thank the Member for her intervention. There was some disparity in the information that came from the Department, and that needs to be cleared up in advance of the Committee making its final determination.

The issue was raised in the Minister of Education's letter of 19 January 2011 to the Chairperson of the Health Committee and, subsequently, in the evidence session with departmental officials at the Health Committee on 21 January 2011. The Department of Education's letter of 1 February 2011 to the Committee for Education, which is included at the end of appendix 4 in the Health Committee's report on the Bill that was published on 10 February 2011, stated:

"the Minister of Education supports the principle of the Bill. I also advised that the Minister has noted that the Bill, if passed, would have significant outworkings which would ... impact upon existing

special education legislation such as The Education (NI) Order 1996 and the Special Educational Needs and Disability (NI) Order 2005."

The letter concluded:

"While the Minister supports the principle of the Bill, realising its strengths and overall cross-cutting benefits, she would wish to ensure that the Bill does not generate a situation whereby the provisions made available to those on the autism spectrum are given higher priority than those with other SENs. It is about this aspect of the Bill that she would ask the Committee to take cognisance of to avoid an introduction of a two tier system in special education provision."

On page 7, the Health Committee's report stated that Department of Education officials:

"did not reach a conclusion on this matter before the completion of committee stage".

The Department of Education stated that there are:

"complex and wide ranging needs of children and young people on the autism spectrum."

On the basis of the correspondence that I just highlighted to the House, I consider that it is clearly for the Minister of Education to advise the Assembly on whether there are significant outworkings from the Bill on special educational needs legislation.

Mr McCallister: I am grateful to the Member. The issue that she raises goes to the heart of the concerns. During Committee Stage, it became obvious that we were not getting a complete answer on what would come first: the need or the autism. That goes to the heart of the debate.

Miss McIlveen: I thank the Member for his intervention. Hopefully, by the end of Final Stage, we will have a definitive answer on that point from the Minister of Education.

Mr Callaghan: I thank the Member for giving way. The Department of Education and the Department of Health, Social Services and Public Safety gave evidence on related points to the Health Committee, and I certainly did not come across any substantive point to back up their claim that hierarchical treatment would give preference to anybody with autism. Will the Member highlight which clause would give effect to a hierarchy that gives preference to people with autism over anybody else? It seems to me that the autism strategy that would arise as a

statutory duty from the Bill would in no way be at odds or in conflict with SENDO legislation, the DDA or any existing statutory instruments that protect people with disabilities, including those with autism.

6.30 pm

Miss McIlveen: I thank the Member for his intervention. I am the messenger, and this is the view that the Committee has come to. Confusion was caused by correspondence that was received by the Minister, and that is exactly what we want to clear up.

Mr Easton: I am not sure whether the Member is aware that the Committee sought legal advice on hierarchies of disabilities. That legal advice was that the evidence suggests that it does not create a hierarchy of disabilities. Maybe that will help to reassure the Member.

Mr Deputy Speaker: Order. I am concerned that we are, once again, drifting away from the amendments. I appreciate that Miss McIlveen is giving us a background to a Committee position, and I have given her some latitude on that. However, we must now draw the debate back in again.

Miss McIlveen: I am moving to a conclusion. The sponsor of the Bill, Mr Bradley, referred to the Department of Education's concern about that issue in his letter to the Committee. It said that no statement, analysis or conclusions were provided on that issue, and, therefore, in the absence of any detail, it is not possible to respond to it. I want to ask him whether the amendments will address the concerns. I understand that the Chairman of the Education Committee met the Chairman of the Health Committee and reiterated his concerns that it is important that we and the Members of the House know whether or not there are significant outworkings from the Bill that affect current special educational needs (SEN) legislation, which impacts on the learning provision of a lot of children and young people.

In conclusion, the Chairman raised that matter with members of the Committee today, and it was agreed that the Committee will write to the Department of Education to ask for a definitive response on that issue as soon as possible. On receipt of that, I have no doubt that the Education Committee will inform the Health Committee and, if necessary, inform the House at Final Stage.

Mr B McCrea: At this late hour, I do not propose to detain the Assembly overly long. However, there are a number of points to deal with in the amendments and in the general way that the Bill is coming through.

To avoid repetition, I will not go through the issues that have been raised by the previous Member who spoke. However, as a member of the Education Committee, I can confirm that that is the sort of conversation that we had and that clarity is required from the responsible Ministers.

I close on this issue, Mr Deputy Speaker, so I would appreciate if you will indulge me. There is sometimes an argument that, when people ask questions, they are somehow not supportive of the overall concept of the Bill or the amendments that have been put forward. That is not the case. It is right and proper that we do this, and we do it to try to make proper legislation that will benefit everybody. Where there are concerns, it is only right and proper that we tease them out and see whether we can make improvements.

I will conclude by thanking Autism NI and a number of other people who have been mentioned and reassure them that their concerns have been noted and that all of us here are trying to do the best for those people who have autism and their carers. We are all trying to do our best, but we have to get it right.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. I thank all the Members who contributed to the debate today, and I appreciate the general support for the Bill in the House.

I will sum up on the contributions as I believe is my role. The Bill allows for a strategy to be formulated, and I believe that there is enough flexibility in that framework to take account of the various legal requirements in the existing legislation. The Bill helps to ensure that people with autism come within the definitions in the DDA. That neither creates a hierarchy of disability nor gives people with autism an unfair advantage over any other person with a disability. That is a very important point, and I hope that those Members who have concerns about a hierarchy of disability will listen carefully to that.

The Department of Health, Social Services and Public Safety has an action plan. The Department of Education had a task force and

established a centre of excellence for autism, and it has now initiated its own autism strategy. If that is not elevating autism to the extent where there is a hierarchy of disability in the education field and the health field, I do not know what is. Therefore, it ill behoves certain people to accuse me or the Bill of creating a hierarchy of disabilities when they themselves have created a hierarchy of disability.

Mr Wells, the Chairperson of the Health Committee, outlined the work of the Committee during Committee Stage in great detail. He presented an accurate summary of the Committee's work and was fair to everyone who contributed to the Committee's scrutiny of the Bill, whether they were in favour of or against the Bill. I thank Mr Wells for the objective and dispassionate way in which he conducted the Committee's business on the Bill.

Michelle O'Neill addressed points that some other Members raised, particularly on the issue of hierarchy of disability. She showed clearly that the Bill will not create such a hierarchy.

John McCallister raised some concerns about the Bill. Once again, he mentioned his fear that the Bill might create a hierarchy of disability, and I have dealt with that issue already. He also mentioned that he had concerns around the Bill's compliance with human rights. I have heard that several times. I have heard it from Mr McCallister and from the Minister, but I have not seen any substance to those claims. It has not been pointed out to me how and where the Bill fails to be compliant with human rights legislation. As I said earlier, at Second Stage, the Minister said that he was referring the Bill to the Attorney General and would return to the House to give us the views of the Attorney General on the Bill's compliance with human rights legislation. As Michelle O'Neill pointed out, the Minister chose not to be here today. He has not fulfilled his promise to return to the House and report to it.

Mr McCallister: Will the Member give way?

Mr D Bradley: As I said earlier, I can only conclude that the Attorney General has no concerns about the Bill's human rights compliance.

Mr McCallister: Will the Member give way?

Mr D Bradley: At Committee Stage, the Northern Ireland Human Rights Commission gave evidence to the Committee, and no serious

issues regarding human rights compliance were raised then.

Mr B McCrea: Will the Member give way?

Mr D Bradley: Mr Deputy Speaker, I think that this particular reference —

Mr Deputy Speaker: Order, please. It is fairly clear that the Member is not giving way, and other Members should not persist.

Mr D Bradley: Thank you, Mr Deputy Speaker. Your impression is correct on this occasion.

Those issues have been raised, but no substantial proof, evidence or references to legislation have been offered. I hope to deal with that point later in the Bill's passage.

Mr Lyttle and Mr Ramsey spoke in support of the Bill, and I appreciate that support. Alex Easton referred to the cost of training, an issue that the Department of Health, Social Services and Public Safety raised. He thought that that was exaggerated, and I am inclined to agree with him, considering the fact that training costs are being met already by the Department of Education, the Department of Health, Social Services and Public Safety and other Departments.

Therefore, there will be some cost for additional training, but I do not think that it will be to the extent outlined by the Department of Health. I thank Pól Callaghan for his kind words. He paid tribute to Autism Northern Ireland and PAL, as did Basil McCrea. Michelle McIlveen outlined the evidence that the Committee for Education received from the Department of Education, and I have already written to the Committee on the issue.

Once again, the Department made some vague references to SEN legislation. It also mentioned the hierarchy of disability. There are no specifics in the Department's response to the Committee, but if the Department has serious considerations, its duty is to provide specifics, with references to legislation. However, it has not done that. It has responded in a general way. I think that I have covered most of the contributions made today. If I have left anyone out, I apologise.

I thank Members again for staying late this evening and for their contributions. I commend the amendments to the House. Go raibh míle maith agat, a LeasCheann Comhairle.

Question, That amendment No 1 be made, put and agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2 ordered to stand part of the Bill.

Clause 3 (Content of the autism strategy)

Amendment No 2 made: In page 2, line 28, leave out subsection (5). — [Mr D Bradley.]

Clause 3, as amended, ordered to stand part of the Bill.

Clauses 4 to 7 ordered to stand part of the Bill.

Long title agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the Autism Bill. The Bill stands referred to the Speaker.

Adjourned at 6.44 pm.

Northern Ireland Assembly

Monday 28 February 2011

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

Members observed two minutes' silence.

Assembly Business

Standards of Debate

Mr Speaker: Order. Before the start of today's business, I would, once again, like to remind Members of my previous rulings on standards of debate in the Chamber. Over the past few weeks, there have been incidents when Members have crossed the line with regard to what is acceptable debate in the House and have made personal remarks about one another.

Last week, Mr John O'Dowd raised a point of order about Mr Fred Cobain's comments about Mr Kelly during the previous day's Matter of the Day on the McGurk's Bar bombing. I remind the House that I tried to intervene at the time in an attempt to prevent the Member concerned going beyond what is in order. Having read the Hansard report of the debate, I believe that his remarks fell far short of what is expected in the House. I must say that. In particular, during Matters of the Day, when, due to its nature, the subject is, normally, approved by me, I certainly do not expect Members to engage in personal or bad-tempered remarks.

I intend to say nothing further about the matter in the House. The Speaker's Office has already spoken to Mr Cobain. Sometimes, when I intervene to try to get a Member to be careful in what he or she might say, it is to help the Member to ensure that he or she does not stray beyond the subject.

I must also say that, that morning, Mr Cobain challenged the authority of the Speaker. That is something that I will not allow to happen while I sit as Speaker. Let me make it clear: it will not happen. There may be an election coming, but that gives Members no excuse to personalise remarks to other Members. I often tell Members that, even if they do not respect one another, they should try to respect the conventions and

Standing Orders of the House. Since we have quite a lot of business to go through between now and 25 March, I would like to think that we can focus on the business that is before the House and get on with the business that we need to get on with in the Assembly.

Suspension of Standing Orders

Mr McCarthy: I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 28 February 2011.

Mr Speaker: Before I proceed to the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That Standing Orders 10(2) to 10(4) be suspended for 28 February 2011.

Mr Speaker: As there are Ayes from all sides of the House and no dissenting voices, I am satisfied that cross-community support has been demonstrated. As the motion has been agreed, today's sitting may go beyond 7.00 pm, if required.

Ministerial Statements

Prison Review

Mr Speaker: I have received notice from the Minister of Justice that he wishes to make a statement to the House.

The Minister of Justice (Mr Ford): I am pleased to inform the Assembly of the publication today of the interim report of the prison review team, which is chaired by Dame Anne Owers. As Members will be aware, the prison review team was established in July 2010 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 in Northern Ireland. That came out of a recognition that there had been a significant lack of reform and investment in the service over the years, which led to the range of deficiencies that I am determined to address. I am grateful to Dame Anne and her colleagues Paul Leighton, Clodagh McGrory, Fergus McNeill and Phil Wheatley for their diligent work on the review and for bringing forward the very helpful interim report of their findings to date.

Since July, the review team has visited prison establishments and other relevant agencies and gathered evidence from groups, organisations and individuals. The review team's initial terms of reference envisaged that it would produce a report on Maghaberry prison before examining the other two prisons and the wider issues around women and other specialist groups, as well as the management and oversight of the system. However, the team felt at an early stage that it would be difficult to deal with the issues arising at Maghaberry without tackling some of the underlying themes, such as management, leadership, vision, objectives and culture, and without looking at the wider context across the criminal justice system. It also recognised that significant change was being planned in the Northern Ireland Prison Service, and it wanted to ensure that its report took account of and contributed to that preparatory work. For those reasons, I agreed with the review team that it would produce an interim report in the early part of 2011 in which it would set out what it sees as the key elements and scale of the change required in the Prison Service and state how it believes the Prison Service should respond. It is that report that is published today.

I welcome the report. It sets a clear direction of travel and helpfully identifies the areas where specific recommendations are likely to be brought forward in the review team's final report, which will be published before the summer.

I am pleased to say that the interim report endorses the reform agenda that has been one of my key priorities since I took up this post. I particularly welcome the fact that, in addition to focusing on the Prison Service, the report identifies the issues that require a coherent response across Departments to bring about change. It is a report on our prisons, but, by recommending as it does an interdepartmental safer society strategy, it makes it clear that the issues of reducing offending and reoffending cannot be addressed by prisons alone. I look forward to working closely with Executive colleagues on the emerging cross-cutting issues now and after receipt of the final report.

The review team's report goes on to clearly set out the scale of the challenge for the Prison Service and highlights the core principles that should underpin a service that is fit for purpose in the twenty-first century. It aims for a modern, progressive and effective Prison Service with a central aim of contributing to the creation of a safer society, supported by three pillars: justice and fairness; security and safety; and decency and dignity. That is very much in keeping with the vision for the Northern Ireland Prison Service that is now being developed under its new leadership. It is a vision of a service that will have the offender at the centre of its focus, working towards the delivery of a safer society, where the risk of reoffending is reduced.

The report brings a welcome and necessary independent perspective and analysis, and it points to a major change agenda, for which I know the foundations are already being laid in the Prison Service. It also reinforces the need to pick up the pace of those preparations, identifying areas where further preparatory work should be undertaken and helping to shape and broaden the development of the strategic efficiency and effectiveness (SEE) programme. That programme will be the main vehicle by which the Prison Service will deliver the transformational change that is demanded by the report.

The ultimate definition of the SEE programme will, of course, be informed by the review team's final report, which will describe more fully its views on the shape and detail of the transformation

that is required. At this stage, however, the review team is clear that the programme will need to address issues relating to operational management, reforming the security-led culture, the need for stronger accountability mechanisms and more effective disciplinary and dispute resolution procedures.

The report also calls for a new deal for those working in and running our prisons, with two components. The first component involves measures to ensure and reinforce governance, accountability and performance, and the second is a staff development package with an early retirement scheme and a new recruitment and progression programme. The proposed early retirement scheme is described in the report as a means of allowing staff:

"who are disaffected, exhausted or disengaged to leave with dignity".

Although I have made it clear on several occasions that a Patten-style package is neither appropriate nor affordable in the current financial climate, some flexibility in developing a scheme will be required if we are to ensure that a sufficient number of staff leave the Northern Ireland Prison Service on a voluntary basis.

It is clear from the report that the introduction of an appropriate exit scheme is key to the fundamental change required of the Northern Ireland Prison Service. In view of that, I will seek approval for proposals to be brought forward to enable staff who wish to leave the organisation to do so. At this stage, my intention is that such a scheme will be in place by autumn this year.

The interim report also sets out the review team's concerns regarding the current prison estate and plans for its development. The review team would like to see more of a focus on rehabilitation as a core aim and suggests that plans for the estate should be revisited and revised with that in mind.

Since a previous ministerial decision taken in 2007, the Prison Service has been developing plans for the redevelopment of Magilligan, and proposals have been prepared in respect of a new women's prison. However, in recognition of the different circumstances that now prevail, I have asked the director general to review the appropriateness of the current prison estate strategy, including the emerging proposals in relation to Magilligan and the women's prison as well as provision for young people. That exercise

will be informed by the prison review team's findings and will reflect the environment in which we are working today, post devolution and against the backdrop of a significantly changed financial situation.

The director general is committed to bringing to me a costed options appraisal by the end of the summer, which will update and refresh the estate strategy based on an evaluation and reassessment of the likely population trends over the next five to 10 years and beyond. I can give an assurance that any decisions about the future of the prison estate will be made in the context of the overriding need to ensure that the opportunities for rehabilitation and resettlement are maximised in the context of value for money.

The report makes it clear that those internal prison system issues are only the first steps. Those steps will provide a platform on which we will build a more effective system, with rehabilitation as one of its core aims. I look forward to the team's final report, in which it intends to develop further what such a rehabilitative prison system should look like. In line with that, work is already under way in the Prison Service to bring a sharper focus on rehabilitation across the board. Central to that will be restructuring within the Prison Service to create a directorate focusing specifically on offender policy and on regimes that will make opportunities available for prisoners to address the causes of their offending and to more effectively resettle on their release.

12.15 pm

Picking up on themes from Dame Anne's report, the service will also engage in further research and development, focusing, for example, on improving and embedding procedures for effectively assessing the needs of prisoners and on planning and delivering evidence-based programmes. There will also be work to integrate rehabilitation better as a core aim across the offender management system. That will require improved information systems within and between prisons and with other agencies and providers, and the development of performance management systems to measure and evidence success. All in all, the building blocks for radical change are being put in place in the Prison Service.

The report makes other recommendations that require detailed consideration by and among a range of other bodies. Those include a recommendation regarding the detention of

children and people under 18 years old, for example, which is under consideration as part of the youth justice review, and a recommendation related to the high number of fine defaulters and remand prisoners in our prisons, which I wish to discuss with the Criminal Justice Board, delivery group and inspectorate. I will ensure that those recommendations are taken forward as we await the review team's final report.

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

Undoubtedly, a great deal of work remains to be done, but I continue to believe that devolution offers us the opportunity to implement the fundamental transformation of our prison system that is demanded by the report and desired by all who want to create a safer Northern Ireland. Once again, I thank Dame Anne and her team for the report and their ongoing work. I assure the Assembly that the new leadership and management in the Prison Service are already planning enthusiastically to meet the challenges that the report sets out, and I look forward to receiving the team's final report later in the year.

The Chairperson of the Committee for Justice (Lord Morrow):

I think that this is about the twenty-third report that we have had on prisons in recent years and, according to the Minister, I think that we are going to have to wait for another one. However, that does not surprise some of us, and I suspect that, when we get the twenty-fourth, we will be looking for another.

Having said that, I thank the Minister for his statement on what is a key element of the justice system: prisons. The Committee received briefings on prison-related matters, most of which, unfortunately, were very critical of the Prison Service or focused on problems or mistakes. I do not think that any member of the Committee for Justice underestimates the need for action to address the many difficulties. During the Committee visits to Maghaberry prison and the young offenders' centre, however, we met many dedicated, committed and professional staff undertaking very good work.

Will the Minister provide more detail about the timescale and likely cost of the major change agenda, as it is called? In his statement, he said:

"some flexibility in developing a scheme will be required if we are to ensure that a sufficient number of staff leave the Northern Ireland Prison Service on a voluntary basis."

Will he outline exactly what he means by a sufficient number of staff? What number does he have in mind, and can he confirm that the scheme will include management grades and headquarters staff and not just prison officer grades? Will he also outline what criteria will apply to any retirement scheme and what he intends to do if, in his view, a sufficient number of staff do not apply to leave?

In my position as an MLA rather than Chairperson of the Committee, I am bit confused about one paragraph in the Minister's statement:

"The proposed early retirement scheme is described in the report as a means of allowing staff 'who are disaffected, exhausted or disengaged to leave with dignity'."

Is the Minister really saying that we are going from the present regime into an open prison regime in Northern Ireland? Quite frankly, if that is the way we are going, this party will not support any such thing.

The Minister of Justice: I thank Lord Morrow for his supportive comments. This may or may not be the twenty-third report, and there may or may not be a twenty-fourth. There have not been 23 reports since 12 April 2010. What I am committed to and what the Hillsborough Castle Agreement commits the Department of Justice to is ensuring that the lessons not taken on board by the Northern Ireland Office prior to devolution are now taken on board under devolution to see that we deliver a modern and effective prison service for the people of Northern Ireland. I am committed to that and regret that so many reports were ignored by those who had the responsibilities that I bear today under different arrangements.

Lord Morrow asked a number of questions, largely about how staff would be treated. He quoted the line from the report that I quoted in my statement about allowing those who wish to leave to do so with dignity. The reality is that, compared with any other prison service in these islands, ours is significantly overstaffed. Our level of staffing is maintained at an extremely high cost. We now live in a different environment, in which many of those who carried out particularly difficult tasks over the past 20 or 30 years and bore their responsibility in a way that was required at the time now wish to leave the service with appropriate dignity and recompense for what they did.

I cannot give any response to the questions about the number who will leave or what the changes will cost. However, many of the prison staff whom I have met on visits to prisons have done the job for many years but no longer wish to remain. Others see opportunities for developing a different, modern and effective prison service and wish to be properly trained to play a part in that in a different way. We need to ensure that we provide retraining for the latter group to assist them to play their part. We also need to provide the exit opportunities for those who wish to leave. That will not be a Patten-style package, because we cannot expect the same financial arrangements as those that were made for the police service. We can ensure that we seek the most generous package possible to ensure that those who want to leave have the opportunity to do so. I will engage with the Minister of Finance and Personnel to ensure that that package is made in that particular way.

On Lord Morrow's final question about whether we are moving towards an open prison environment, I am pleased that he recognises that we do not have an open prison system at the moment, because others have criticised me on that point. As our prison estate has only two adult male prisons and a large number of categories of prisoner to cater for, we do not always have the appropriate facilities to provide what is needed.

If Lord Morrow and the Committee were to visit the Foyleview unit, which is part of the Magilligan complex, they would see in operation what is, effectively, an open prison that is successfully working to rehabilitate prisoners. So, we need to see some developments in that direction. We also need to ensure that maximum security remains for the small number of prisoners who require it.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. I welcome the Minister's statement and put on record our thanks to the prison review team for the work that it has done. Obviously, it is not finished, but we are gladdened by some of the work that it has done. Even though the report is an interim one and we only have the headlines from it, all the issues that we are all too familiar with have been brought together in it. Having had 21 reports has allowed us to know what the issues are going to be.

My party is saying that the report's recommendations are a touchstone for the Department and for what the Minister described as the new leadership in the prison administration. The report, its recommendations and the pathway that it projects cannot be held back by self-interest —

Mr Deputy Speaker: Question.

Mr McCartney: — nor can they be held back by people who have been described as disaffected, exhausted or disengaged. Will the Minister assure me that he too sees the recommendations of the report as a touchstone, so that we will not be seeking another report or review in 12 months' time?

The Minister of Justice: I thank Mr McCartney for his positive words. He made it clear that the report is an interim one and is a work in progress. However, that work is well started in what it has brought together, as well as the initiation of new areas of work by Dame Anne and her team.

The Member used the term "touchstone". Dealing with the difficult and serious issue of prison reform will be a touchstone, but not just for the Prison Service and the Department of Justice; it will be a touchstone for the Assembly and the Executive to get the required degree of collectivity to ensure that we make the necessary reforms and provide a prison service that is fit for the needs of the twenty-first century. If his reference to a touchstone was an offer of support from him and his colleagues, I welcome that, but there are partnerships that need to be built on a much wider basis.

Mr McNarry: I also welcome the statement on the promised interim report, and I await the final conclusions with interest. The interim report uses the phrase "disaffected, exhausted or disengaged" to describe staff in the Northern Ireland Prison Service. Aside from the fact that that paints a negative and largely unfair picture of prison staff, is the Minister stating that the proposed early retirement scheme will apply only to staff who fit those criteria? Will the final report by the review team exclude the possibility of political status for prisoners?

The Minister of Justice: I thank Mr McNarry for the first part of his question. I am unsure whether I am in a position to confirm that the final report will contain anything, but, when looking at the terms of reference of the review

team, I see no likelihood that there would be what he described as "political status".

Mr McNarry referred to the comment about the attitudes of certain staff members, which will undoubtedly attract wider attention in the media. However, the report also refers to staff who are doing good work in all three institutions and at headquarters. I have seen the positive work that is done by those who are keen to engage to help reform the service and those who have done their duty in the past and now wish to leave. We must recognise that there are two sides to this. We must put a scheme in place that allows those who wish to leave to do so with dignity, and, equally importantly, we must also provide those who wish to remain with the skills, training and opportunities to deliver in the future.

Mr A Maginness: I thank the Minister for his detailed statement to the House on the Owers interim report, and I welcome the manner in which the Minister indicated his support for that report. However, this is one of at least 20 reports. Will the Minister reassure the House that, as Minister, he will commit to the full implementation of the final report, which is predicated on the need to emphasise the rehabilitation and resettlement of prisoners and reduce the present commitment to a security culture in the Prison Service?

The Minister of Justice: I thank Mr Maginness for his extremely supportive words. At this stage, I cannot commit to the full implementation of every paragraph and sentence in a final report that I have not seen. However, the Department of Justice is committed to the basic principles alluded to in the interim report. The Member highlighted the rehabilitation and resettlement of prisoners and the movement from a purely security culture in our prisons, and those are all key issues that the Department is committed to addressing. I hope that he will accept an assurance that we are 100% in agreement with those general principles, even if I cannot commit to every comma and semi-colon.

Dr Farry: I also welcome the statement and the interim report. It is important that we learn the lessons of other experiences. Will the Minister confirm to the House that the rehabilitation of prisoners is a win-win for society? It produces a safer society through less offending on our streets and reduces costs, which is particularly important given the very tight Budget settlement

we are all under, including the Department of Justice.

The Minister of Justice: I thank my colleague for that helpful point. The successes achieved in youth justice in recent years were done in a way that reduced the overall cost to society while making it safer. There is no doubt that we need similar creative thinking in dealing with adult offenders. That was pointed out by the Owers team, and the Prison Service, the wider Department and the other agencies with which we will have to engage in partnership must learn those lessons and apply them.

Mr Givan: I welcome the fact that the authors of the report recognised that 29 prison officers lost their life during the Troubles. Obviously, the system that was built up in our prison establishments was a result of the terrorist campaign and the need for a strong security focus.

12.30 pm

The interim report makes for challenging reading for some, citing as it does the:

“absence of visible leadership and oversight”,

and the need for “effective leadership and operational management.” That will present particular challenges for those at Prison Service headquarters. Does the Minister believe that the necessary resources will be made available? Does the cross-cutting nature of this report and, ultimately, acceptance of a final report require Executive approval?

At this point, I sound a warning. In the paragraph dealing with separated prisoners on page 14 of the report, the sentence that refers to the need for a “less restrictive regime” causes my party alarm and concern. The line in the sand that we were told was drawn as result of the last agreement has already started to become blurred, so we will be putting down a marker that we cannot move any further.

The Minister of Justice: I thank Mr Givan for his comments. He referred to the 29 lost lives. I have paid tribute on a number of occasions to those who paid the ultimate penalty for their service to the Prison Service in times past, whether they were uniformed or non-uniformed employees, and I happily repeat that tribute again today.

The other issues that the Member highlighted are crucial. He mentioned leadership and

management in the service. We have a new opportunity — a new staff team led by a new director general — to ensure that we take the lessons that can be learned from the report and apply them. As far as resources are concerned, budgetary arrangements in the draft budget proposals that my Department submitted will ensure that, through what will be an equivalent of the wider Executive’s Invest to Save proposals, we will have the opportunity to invest in the early years of the comprehensive spending review (CSR) period to make savings in later years. However, that depends on ensuring that we get the arrangements made and put in place reasonably speedily.

I am not sure what matters in the report may require Executive approval. However, I have already highlighted in the Chamber the need to ensure that we get the widest possible partnership and consensus anyway as we seek to make reforms around criminal justice.

The Member may have misread the references to a less restrictive regime for those who are currently separated prisoners. The arrangements that have been in place since August 2010 seek to ensure a more normal arrangement for those in the separated regime and to ensure that we can get away from some of the particular difficulties that apply in Roe House and Bush House. The process is ongoing, and I receive regular reports from those whom I set up to advise me of progress. It has to be addressed in a way that ensures that we help produce a more normal situation for the Prison Service as whole.

Ms Ní Chuilín: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement and the review team for its interim report. Numerous references have been made to the various reports on the Prison Service thus far. Will the Minister assure us that the costed action plan that the director general is preparing will provide more details on facilities for women? Will the current review into the youth justice system also be reflected in the detail of the final report? Will the Justice Committee be provided with regular updates on both issues?

I refer to the comments that the Minister made to my party colleague Raymond McCartney. The Minister and his Department will certainly have our support, but only when he begins to tackle those issues. As the Minister pointed out in his

statement, justice is now a devolved issue. The days of the NIO are well gone.

The Minister of Justice: I thank the Member for that offer of support. I must confess that I thought that the Department of Justice had already begun to tackle those issues, although we may not have made the progress for which some Members will have hoped.

The interim report refers specifically to the issues of women offenders and young offenders. It also refers to the cross-cutting issue of the review of the youth justice system, and those issues will be kept in train as we look forward. The Member also asked about keeping the Committee updated on progress. Again, the review team refers to the need for external validation of work being done, and clearly there will be an issue there for Criminal Justice Inspection Northern Ireland (CJINI). It will, I suspect, also be an issue that the Committee will be taking considerable interest in future years. However, the precise details of what we are seeking to do with women and young people are not contained in the interim report. Those matters will have to be considered in the coming months.

Lord Browne: I thank the Minister for his statement on the much welcome interim report. The report makes reference to the validity of the performance management system in the Prison Service and states that there are currently 28 action plans in place, none of which is being properly managed or assessed, and in which officers appear to have very little or no confidence. Does the Minister agree that the shambles of performance management in the Prison Service needs to be urgently addressed?

The Minister of Justice: I thank Lord Browne for his supportive comments. I am not sure that I entirely agree that performance management is a shambles. I agree with his basic point that it is not helpful that an excessive number of performance indicators and a variety of different reports have put matters at times almost in conflict and sometimes in repetition. That is why the current work on the strategic efficiency and effectiveness programme, in conjunction with the implementation of this report, and the full report when we see it in the summertime, will provide a much sharper focus on the need to address the key issues, rather than adopting a tick-box culture on many minor issues.

Mr McDevitt: I, too, welcome the report, particularly the identification of fundamental problems on page 11:

"One is the absence of effective leadership and operational management. The other is culture — both the security-led culture among prison staff... and a culture of denial and compromise within the service as a whole."

I ask the Minister whether he agrees that there is another problem, which is the great imbalance in staffing levels at community level, particularly among prison staff. In committing himself to continue the work to bring about the fundamental change that is required, will he also make a commitment to this House that he will address that important issue so that we can have a post-conflict Prison Service for a post-conflict North?

The Minister of Justice: I thank Mr McDevitt for his supportive comments. He quoted accurately from further down page 11, but the page is headed "Vision and values". We should ensure that we do not just take the negatives, but recognise the positives.

On the specific issue of what he describes as "imbalance" at community level, there is no doubt that, for historical reasons, there has been an imbalance in the staffing of the Prison Service. Of those who have been recruited to the operational support grades in recent years, the balance has been much closer to that of the outside community.

I will certainly not commit to going down any route of the sort that was followed by the Police Service. That would now be perceived as illegal. I am committed to ensuring that we have appropriate affirmative action programmes in staff recruitment and continuing appropriate diversity training among those already in post to ensure that we meet the needs of the entire community in a representative way.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an ráiteas inniu.

Thank you for your statement, Minister. Sinn Féin welcomes the emphasis on a more effective system that has rehabilitation as one of its core aims, as opposed to blanket security. When will the report be completed, and when will the Minister bring it to the House so that real work can begin in implementing it?

The Minister of Justice: I thank Mr Sheehan for the question. The expectation is that the final report will be produced by the summer, and I will certainly report to the House at that stage. When we talk about getting work under way, the Prison Service or the Department of Justice will not sit and wait from February to June before they do anything. We already have a clear line of travel, if not the detail, from the interim report. There was already preparatory work under way to set in place the building blocks of the strategic efficiency and effectiveness programme.

Once we see the final report, we will be in a position to make extremely rapid progress. It will certainly not be a matter of waiting to see the final report and then taking months to consider it. The financial urgency, as well as the urgency of dealing fairly with staff and improving conditions in all three prisons, requires that we now ensure that, to use that dreadful euphemism, we can hit the ground running as soon as the final report is prepared.

Mr Buchanan: I thank the Minister for his statement. I welcome the prison review team's interim report, which provides some key milestones and makes some important recommendations. Does the Minister agree that fast and effective delivery is vital if public confidence in the Prison Service is to be restored? Can he assure the House that any proposed rehabilitation strategy will not give the public cause for concern that we are beginning to go soft on criminals?

The Minister of Justice: I thank Mr Buchanan for his comments. I agree that fast and effective delivery is absolutely vital if we are to make the necessary reforms within the necessary timescale. However, we need to be very careful when we talk about rehabilitation. The most effective way in which we protect society from crime is by reducing the reoffending rate, and not by suggesting that, somehow, going back to the old-fashioned notions of locking people up and throwing away the key will make society safer when those people come out of prison.

We need to ensure that we maintain the appropriate level of security in the prisons, but we must also ensure that we use the opportunity, while people are in prison, to make them better citizens when they come out and to reduce the risk of reoffending. I have already highlighted the fact that we have seen some significant

successes in the youth justice system in reducing reoffending. We have an extremely effective probation service. We need to ensure that we learn the lessons from those agencies and apply them in the Prison Service as well.

Mr Dallat: The Minister referred to the good work that is being done in the Foyleview unit of Magilligan Prison. I want to endorse that and send my good wishes to the staff of that unit. The Minister is, of course, aware that 68% of the inmates have serious literacy and numeracy problems. He may also remember that, in a recent written answer, he told me that the amount of money spent on leisure and recreation had doubled, while the amount of money spent on education had halved. There was no reference to education in the Minister's statement. Can he assure the House that the focus in the future will be on giving those people a second chance, so that when they leave the prison, they will, at least, be equipped with basic skills in literacy and numeracy, and will, therefore, be less likely to reoffend?

The Minister of Justice: I thank Mr Dallat for those supportive comments. He highlighted the issue of literacy and numeracy; we should, of course, also highlight issues such as mental health and personality disorders, which are prevalent in the prison population. It is unfortunate that, sometimes, staffing arrangements mean that when there are staffing shortages, areas like education or training get cut back in the interests of maintaining the security of the prison. Clearly, those kinds of issues need to be addressed if we are to ensure that people get their full rehabilitation programmes, whether in education, industrial training or meeting their health needs.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. Does the Minister agree that it would be totally irresponsible of this Administration, or, indeed, the next Administration, to ignore yet another report on our prison system? This interim report and the future report look at an overall shake-up of the prison system which, if it is achieved, should be delivering justice and the rehabilitation of prisoners. That is not about going soft on prisoners; it is about ensuring that we rehabilitate people back into society. We must ensure that we do not waste tens of millions of valuable pounds on a prison system that is ineffective and inefficient.

The Minister of Justice: Mr O'Dowd highlights the issue of the current excessive cost for what is not a terribly effective prison system. We need to ensure that we build on the interim report. I agree entirely with Mr O'Dowd that it would be irresponsible to ignore the report. However, let us be absolutely clear: the Prison Service is not ignoring the report, nor is the Department of Justice. Nevertheless, there are wider issues that need to be addressed and which require the support of the Assembly as a whole, the Justice Committee and the Executive Committee. That is the plea that I have to make today in order to ensure that we all, collectively, learn the lessons and address the issues in a way that builds on what is a very positive report as it signposts the way ahead.

Mr McCarthy: I thank the Minister for his statement. I commend him for his work to date, which has been positive in bringing Northern Ireland up to date with a modern justice system. Does the Minister agree with the review team that the kind of reform of the Prison Service that is required will need broad political backing?

Does the Minister agree that such backing will have to come from all the parties in the Assembly?

12.45 pm

The Minister of Justice: I thank my colleague for the commendation. I am sure that those who have done the hard work in the Department of Justice over the last 11 months will appreciate his warm comments, and I will ensure that those are passed on.

In answering Mr O'Dowd's question, I referred to the need to ensure that we build adequate partnerships. Mr McCarthy is right that we need to ensure full backing for reforms across the Assembly. However, we also need to ensure full backing for those reforms across the wider society by working — as the Department already does — with a range of NGOs and a variety of other agencies and ensuring that we get the maximum possible consensus on how to make society safer. This is an issue that needs to be addressed in a serious and hard-nosed way, not one of simple, cheap populism.

North/South Ministerial Council: Tourism

Mr Deputy Speaker: I have received notice from the Minister of Enterprise, Trade and Investment that she wishes to make a statement to the House.

The Minister of Enterprise, Trade and Investment (Mrs Foster): With your permission, Mr Deputy 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 (NSMC) in tourism sectoral format. The meeting was held in Armagh on 3 February 2011. Junior Minister Gerry Kelly MLA and I represented the Northern Ireland Executive. The Irish Government were represented by Mary Hanafin, the then Minister for Tourism, Culture and Sport and Minister for Enterprise, Trade and Innovation. The statement has been agreed with junior Minister Kelly, and I make it on behalf of us both.

The Council received a report from the chairperson of Tourism Ireland, Mr Hugh Friel, on the body's achievements against the five goals that it had set for 2010 and on the continued difficult global conditions, which had a negative impact on tourism performance in 2010.

The Council also received a presentation from the CEO of Tourism Ireland, Mr Niall Gibbons, on market performance in 2010 and prospects for 2011. The Council noted Tourism Ireland's draft corporate plan for 2011-13. Among the key priorities for that period are a return to growth in visitor numbers from all major overseas markets; growing revenue, visitors and promotable numbers to Northern Ireland; a return to growth from the GB market following a refocusing of marketing activities to reinforce our distinctive holiday experience; and significant investment in e-business to ensure that Tourism Ireland's online presence is strengthened in line with consumer trends.

The Council also noted Tourism Ireland's business plan for 2011. The plan aims to return to growth in overseas visitors from all markets. It has targeted increases of up to 4% in overseas visitor numbers and 7.4% in associated revenue. Particular focus will be placed on the GB market, which remains the most important overseas tourist market.

The Council noted the resignation of Moira McNamara from the board of Tourism Ireland

Limited and approved the appointment of Maurice Pratt in place of Ms McNamara. Mr Pratt previously held senior positions in a number of Irish companies and is a past president of the Irish Business and Employers Confederation. In December 2008, he was appointed chairperson of the tourism renewal group charged with reviewing and renewing the Irish tourism strategy. In 2010, he chaired Tourism Ireland's Great Britain steering group, which was established to develop a strategy to return that market to growth from 2011. The Council expressed its thanks for the contribution that Ms McNamara made to the work of the board.

The Council agreed to meet again in tourism sectoral format in summer 2011.

The Chairperson of the Committee for Enterprise, Trade and Investment (Mr A Maginness): I

thank the Minister for her report. I note that Tourism Ireland's draft corporate plan for the next number of years, which was presented by the chief executive, placed considerable emphasis on increasing the number of visitors to our shores, particularly those from Britain. That, of course, is right and proper. I think that everyone in the House would support increased visitor numbers from Britain to the island of Ireland and, in particular, Northern Ireland. Did the chief executive or other officials give an indication of how the target for a 4% increase in overseas visitor numbers might be achieved, given the continued recession, not just here but in Britain and other parts of the world?

The Minister of Enterprise, Trade and

Investment: I thank the Chairperson for his comments and question. Based on projections from Tourism Economics, which I think provides the evidence base, we are aiming for around a 4-4% growth in visitor numbers. As the Member can imagine, there is no doubt that that will be a challenging target to meet. However, we are determined not to talk down the tourism industry and to do our best by working with industry partners to try to bring as many visitors as possible, principally from the GB market, to Northern Ireland. I think that around 70% of our visitors come from the GB market, so it is a hugely important one for us. We intend to market Northern Ireland very strongly and, as far as we are concerned, that will be the key to increasing visitor numbers. This Friday, representatives from Tourism Ireland and I will be in London to do just that in order to try to get more people to come to Northern Ireland.

The Member will also be aware that we have some very good product coming online, such as the 2012 initiatives in and around the Giant's Causeway and the Titanic signature project, and all the events happening in the north-west in conjunction with the UK City of Culture. I was particularly delighted to read recently that the Turner Prize is coming to the city of Londonderry, as it will be first time that the event has actually left Great Britain. That is a tremendous homage to what is going on in the tourism industry here and particularly in the north-west. I very much look forward to supporting all those events.

Marketing is key for us, and we must continue to do that. Tourism Ireland — and the Member will know that I have always advocated this — needs to work in conjunction with, in particular, the Northern Ireland Tourist Board and the industry, so that we get the maximum for our money.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her statement. She mentioned Tourism Ireland's draft corporate plan for 2011-13 and alluded to the Titanic Quarter. Does she think that events such as the anniversary of the Titanic will go some way to invigorating the tourism industry here and will be a platform on which to build?

The Minister of Enterprise, Trade and

Investment: I do, absolutely. In conversations with the chief executive of Tourism Ireland, I have said that I very much want to see Northern Ireland getting the benefit that events such as the anniversary of the launch of the Titanic bring to Belfast and, indeed, to Northern Ireland more widely. Some very significant events are coming up in the next two to three years, and it will be a very exciting time for the next Minister of Enterprise, Trade and Investment. We should make the most of those two years and ensure that we get the greatest benefit from them.

Mr Cree: I also thank the Minister for her statement. In the Department's tourism strategy to 2020, the anticipated medium-term performance to 2013 is a 10% growth in visitors from Great Britain. Will the Minister provide some more information on how Tourism Ireland plans to refocus its marketing activities to achieve those figures?

The Minister of Enterprise, Trade and

Investment: As I indicated to the Chairperson of the Committee, marketing will increase those figures, and we are taking a couple of different routes to do so. In addition to the big marketing

campaigns, which we will still continue to do, we will target lower level areas of marketing. For St Patrick's Day, for example, we are taking some industry across to Scotland to forge some links at a very low level. I think that we will be going to some supermarkets and shopping malls to say to people there that Northern Ireland has a very good offering and to try link in with Scottish people in a very meaningful way in order to get them to come to Northern Ireland. As I said, we will do all of the big marketing campaigns and target other campaigns at lower levels so that we can get the maximum amount out of them.

Mr Neeson: The Minister referred to the importance of 2012-13. I remind her that, in 2013, the World Police and Fire Games will be held in Northern Ireland.

The Minister knows about my interest in maritime heritage. I remind her that we have the Titanic anniversary and that work has already started on the restoration of the SS Nomadic. What effort is being made to promote the SS Nomadic as part of the tourism attractions?

The Minister of Enterprise, Trade and

Investment: I was delighted to hear about the work on the SS Nomadic, which will give a wider picture of the Titanic. There is no point talking only about the Titanic signature building; that is not what the whole project is about. The project is about the entire experience of what it was like to work in the shipyard at that time and about those people who were unfortunate enough — I was going to say fortunate enough — to be on the Titanic. Therefore, we also need to look at the smaller vessels. The SS Nomadic will very much be a part of that.

The Titanic anniversary will be a significant event for us in Northern Ireland, but the Member is absolutely right that quite a few other events are happening in 2012-13, not least the World Police and Fire Games. Those games are, I understand, on a par with the Commonwealth Games and will, therefore, bring a lot of new visitors into Northern Ireland for the first time. I want to ensure that the industry is ready for that when it comes to accommodation, the product that we have to offer and the opportunities for people to spend money when they come here. Our target for 2020 is not only to increase the number of visitors but to increase the number of opportunities for people and the amount of spend when they are here. Compared with the rest of the UK and the Republic of Ireland,

tourism spend is lowest here. We need to find ways to extract money from people when they visit us in Northern Ireland.

Ms M Anderson: Go raibh míle maith agat.

I thank the Minister for her statement. In her response to a Member's question, she mentioned the Turner Prize coming to the city of Derry and her support for that event and the City of Culture. The city will welcome her saying that, given that there is some concern around it being allocated the City of Culture.

At the meeting, the Minister noted the draft corporate plan, and her statement mentions the growing number of visitors to the North. Has any consideration been given to the all-Ireland Fleadh Cheoil, a festival of music and song that attracts thousands of people from not only from beyond the island but from Europe and elsewhere?

The Minister of Enterprise, Trade and

Investment: We take on board any event that brings visitors into Northern Ireland. I want to ensure that we make it as easy as possible for visitors to come to Northern Ireland. Recently, we have seen the number of visitors who have come, for example, from the Republic of Ireland. In many ways, that has helped to offset the fall in the number of visitors from GB. However, I want all those visitor numbers to increase again, particularly from the GB market, which is why I mentioned the Scottish initiative. The links with our friends, colleagues and, indeed, family across the British Isles should be strengthened so that we can get the maximum output from them.

Mr Campbell: I thank the Minister for her statement. She talked about the extent of growth that she expects and hopes to see over the next few years. I hope that she accepts that the north coast is the jewel in the tourism crown of Northern Ireland and that everything should be done to try to promote that. Will she ensure that officials in her Department take all the positive steps that they can to assist with the huge investment that is going into the general Portrush area through the master plan and other projects so that that can be taken to a further level?

The Minister of Enterprise, Trade and

Investment: I thank the Member for his question. I was very encouraged that the master plan is now proceeding. Some years ago, Portrush was vital to our tourism product, and I very much want to see it back up there, especially given its

links to some of Northern Ireland's most famous golfers.

I had the pleasure of being in the Member's constituency at the weekend and sampled some of the tourism product that is on offer in East Londonderry.

There is some very good product, but we need more. We must invest in the north-west and right across the coastline.

1.00 pm

I was up with the Causeway Coast and Glens Tourism partnership on Thursday of last week and was very pleased to be part of the opening of the very first Économusée in Ballymena, where an artisan workshop has been set up for a young woman, Marion Woodburn, who makes jewellery. It is a very innovative piece of cultural tourism, and she has led the way not just in Northern Ireland; it is the first Économusée in the United Kingdom. I was delighted to be part of that. I hope to see other artisans taking similar steps to really get the benefit out of their beautiful products.

Mr O'Loan: I thank the Minister for her statement and for what she is doing in the area. In discussing the tourism product, she initially referred primarily to the major projects, but she has elaborated somewhat since. The major projects are very important, but they are not the whole picture. What is there in her Department's tourism product proposals and marketing from Tourism Ireland that will definitely benefit local areas? I think of places such as Ballycastle, Cushendall and Cushendun in my constituency.

The Minister of Enterprise, Trade and

Investment: As I indicated, he should be very proud of the fact that that Économusée is in his constituency. It is the very first of its type in the United Kingdom, but it has a lot of contacts in Quebec and northern Europe. There is a network of artisans, and I am told that people will travel to each of those Économusées. I hope that that area sees the benefit of that.

As well as the major projects to which the Member referred, we will target rural holidays. A rural holidays campaign will be in our new communications campaign. We also hope to develop the coach business in Northern Ireland through investment with key Great Britain partners and work with targeted operators to drive short-break business into Belfast and

across Northern Ireland. We will also do that with sea carriers, so that people do not just see the big events but go out into the countryside as well. The regional tourism partners will be key to working with the Tourist Board and Tourism Ireland in delivering those things. They need to let us know about their product in their particular areas so that we can sell it to the coach operators. Those are the sorts of things that we hope to develop right across Northern Ireland.

Executive Committee Business

Civil Registration Bill: Consideration Stage

Mr Deputy Speaker: I call on the Minister of Finance and Personnel to move the Consideration Stage of the Civil Registration Bill.

Moved. — [The Minister of Finance and Personnel (Mr S Wilson).]

Mr Deputy Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list.

There are three groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 4 and 12 to 14, which deal with the removal of the requirement for attendance at registration offices, together with technical amendments. The second debate will be on amendment Nos 5 to 8, which deal with conditions to be set by the Registrar General to ensure no improper use of data. The third group for debate will be amendment Nos 9, 10, 11 and 15, which deal with the register of presumed deaths.

Once the debate on each group is completed, any further amendments in that group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. I remind Members to address all the amendments in the group to which they wish to speak. The Question on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

Clauses 1 to 5 ordered to stand part of the Bill.

Mr Deputy Speaker: We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 3, 4, 12, 13 and 14. The amendments in group 1 deal with the removal of the need for attendance at registration offices and technical amendments to the Bill. I call the Minister to move amendment No 1 and to address the other amendments in the group.

Clause 6 (Registration of still-births where parents not married)

The Minister of Finance and Personnel

(Mr S Wilson): I beg to move amendment No 1: In page 3, line 6, for “(parents” substitute “(child who has a father and whose parents were”.

The following amendments stood on the Marshalled List:

No 2: After clause 7, insert the following new clause:

“Declarations of parentage

Re-registration of births after declaration of parentage

7A. *In Article 19A of the 1976 Order (re-registration of birth after declaration of parentage), in paragraph (2) (re-registration to be effected in prescribed manner and at such place as may be prescribed), the words ‘and at such place as may be prescribed’ shall cease to have effect.” — [The Minister of Finance and Personnel (Mr S Wilson).]*

No 3: In clause 9, page 4, line 6, leave out “as follows” and insert

“in accordance with subsections (2) and (3)”. — [The Minister of Finance and Personnel (Mr S Wilson).]

No 4: In clause 9, page 4, line 13, at end insert

“() In Article 26 of the 1976 Order (informant’s position following an inquest), paragraph (a) (person not liable to attend registrar upon a notice issued by registrar) shall cease to have effect.” — [The Minister of Finance and Personnel (Mr S Wilson).]

No 12: In clause 26, page 11, line 20, at end insert

“(2) In this section ‘prescribed’ means prescribed by order made under Article 47 of the 1976 Order.” — [The Minister of Finance and Personnel (Mr S Wilson).]

No 13: In schedule 2, page 14, line 10, at end insert

“In Article 19A(2), the words ‘and at such place as may be prescribed’.” — [The Minister of Finance and Personnel (Mr S Wilson).]

No 14: In schedule 2, page 14, line 13, at end insert

“Article 26(a).” — [The Minister of Finance and Personnel (Mr S Wilson).]

The Minister of Finance and Personnel: In explaining amendment No 1, I will also deal with amendment Nos 2, 3, 4, 12, 13 and 14, which are grouped together. Amendment Nos 1 and 12 are technical amendments to the Bill. Amendment No 1 substitutes the words:

“child who has a father and whose parents were”

for the word “parents”. The powers in clause 6 will enable an unmarried father of a stillborn child to register the stillbirth of his child without the mother being present. The subsequent amendment to the clause is required as a result of the Human Fertilisation and Embryology Act 2008, which amended article 18 of the Births and Deaths Registration (Northern Ireland) Order 1976, after the Bill was introduced. The purpose of amendment No 1 is to amend clause 6 to take into account the amendment made to the 1976 Order. It does not represent any change in the effect of the Bill.

Amendment No 12 is also a technical amendment. It amends clause 26 of the Bill to define the term “prescribed” in the context of the 1976 Order. One of the aims of the Civil Registration Bill is to provide greater choice and more flexibility in the registration of life events, and that will be achieved at an appropriate point in the future by the provision of facilities for remote registration. The following amendments are all linked to the provision of remote registration and will ensure that the Bill is consistent regarding attendance at registration offices for the registering of births and deaths.

Amendment No 2 inserts a new clause in the Bill after clause 7. That will remove the requirement for attendance at the registration office by an informant for the re-registration of a birth following the production of a declaration of parentage.

Amendment Nos 3 and 4 are technical amendments to clause 9. They refer to the issue of a notice where a death has not been registered. Amendment No 3 to clause 9 removes “as follows” and inserts:

“in accordance with subsections (2) and (3)”.

That is a change in wording only, with no alteration at all to the meaning of the clause. Amendment No 4 to clause 9 of the Bill removes any reference to the attendance at a registration office and will bring the clause into line with other areas of the Bill.

Amendment No 13 is consequential to amendment No 2 and inserts a repeal into schedule 2. Amendment No 14 is consequential to amendment No 4 and inserts a repeal into schedule 2 of the Bill in relation to article 26(a) of the 1976 Order.

Mr Deputy Speaker: Before we move to the next Member, I ask Members to make sure that their mobile phones are switched off because they are interfering with the broadcast system.

The Chairperson of the Committee for Finance and Personnel (Mr McKay): Go raibh maith agat, a LeasCheann Comhairle. In addressing the group 1 amendments, I will first refer briefly to the Bill's Committee Stage.

In response to its call for evidence, the Committee received written submissions from the British Government's Foreign and Commonwealth Office, the Council of Irish Genealogical Organisations and the Association of Professional Genealogists in Ireland. The Committee subsequently took oral evidence from the latter two organisations.

The Committee made a detailed analysis of the issues arising from the evidence and sought responses from the Department of Finance and Personnel (DFP) to each of the concerns or proposals raised by witnesses and to additional queries that the Committee itself raised. The Department provided a series of follow-up written responses in addition to the oral briefing, and the Committee was generally satisfied that the main concerns had been addressed. The Committee reported on 18 March 2009. The Department of Finance and Personnel notified the Committee in writing of the proposed amendments in November 2010 and provided an oral briefing on 16 February 2011 in advance of today's Consideration Stage.

As the Minister has already outlined, the amendments are mostly of a technical nature or relate specifically to amendments that are now required to the Presumption of Death Act 2009, which the Committee also scrutinised in detail during its passage. During the evidence session on 16 February, members raised a number of queries. At last week's meeting, we considered written clarification on one outstanding issue. Having received that clarification, the Committee is content to support not only the Bill but the amendments that the Minister has brought forward today.

Mr O'Loan: I rise simply to give my support to the Bill and to this group of amendments. While it may slightly out of order, I will say that I support all the other amendments that are going to be proposed.

The Minister of Finance and Personnel: It will be a fairly easy task to wind up this debate, Mr Deputy Speaker. I thank the Committee for the work that has been done on what is probably a fairly technical piece of legislation. As the Chairman has pointed out, many of the amendments are technical amendments, and there is nothing controversial about them.

The whole idea is to make the registration of important life events — births and deaths — easier and to bring the legislation into line with what many of the public now expect as a reasonable way of dealing with these issues through means other than having to present themselves at a register office. There will be potential to do these things online and whatnot as a result of the Bill. However, the changes were required to at least give people those facilities, because up until now there had always been a need for people to present themselves at a register office.

I thank the two Members who have given their support to the amendments and ask the House to accept them.

Question, That amendment No 1 be made, put and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7 ordered to stand part of the Bill.

New Clause

Amendment No 2 made: After clause 7, insert the following new clause:

“Declarations of parentage

Re-registration of births after declaration of parentage

7A. *In Article 19A of the 1976 Order (re-registration of birth after declaration of parentage), in paragraph (2) (re-registration to be effected in prescribed manner and at such place as may be prescribed), the words ‘and at such place as may be prescribed’ shall cease to have effect.” — [The Minister of Finance and Personnel (Mr S Wilson).]*

New clause ordered to stand part of the Bill.

Clause 8 ordered to stand part of the Bill.

Clause 9 (Issue of notice for information concerning deaths)

Amendment No 3 made: In page 4, line 6, leave out “as follows” and insert

“in accordance with subsections (2) and (3)”. — [The Minister of Finance and Personnel (Mr S Wilson).]

Amendment No 4 made: In page 4, line 13, at end insert

“() In Article 26 of the 1976 Order (informant’s position following an inquest), paragraph (a) (person not liable to attend registrar upon a notice issued by registrar) shall cease to have effect.” — [The Minister of Finance and Personnel (Mr S Wilson).]

Clause 9, as amended, ordered to stand part of the Bill.

Clauses 10 to 14 ordered to stand part of the Bill.

1.15 pm

Mr Deputy Speaker: We come to the second group of amendments for debate. With amendment No 5, it will be convenient to debate amendment Nos 6, 7 and 8. The amendments relate to the Registrar General setting conditions to ensure that there is no improper use of data.

Clause 15 (Registration or alteration of child’s name)

The Minister of Finance and Personnel: I beg to move amendment No 5: In page 6, line 37, at end insert

“() Any notification under paragraph (4A) shall be subject to such conditions as the Registrar General considers appropriate.” — [The Minister of Finance and Personnel (Mr S Wilson).]

The following amendments stood on the Marshalled List:

No 6: In clause 18, page 7, line 26, at end insert

“() Any notification under paragraph (1) shall be subject to such conditions as the Registrar General considers appropriate.” — [The Minister of Finance and Personnel (Mr S Wilson).]

No 7: In clause 23, page 9, line 29, at end insert

“() Any notification under paragraph (1) shall be subject to such conditions as the Registrar General

considers appropriate.” — [The Minister of Finance and Personnel (Mr S Wilson).]

No 8: In clause 23, page 10, line 2, at end insert

“() Any notification under subsection (1) shall be subject to such conditions as the Registrar General considers appropriate.” — [The Minister of Finance and Personnel (Mr S Wilson).]

The Minister of Finance and Personnel: As well as speaking to amendment No 5, I will speak to amendment Nos 6, 7 and 8, as they also relate to the notification of registration information. The powers in clauses 15, 18 and 23 of the Civil Registration Bill will enable the General Register Office to share registration information with other Departments and appropriate persons. As a further safeguard, my officials have concluded that an amendment to those powers is appropriate to enable the Registrar General to set conditions as he may determine for the use of the registration information that is released, to ensure that no improper use or sharing of the data is permitted.

The amendments insert two new subsections into a number of clauses. Amendment No 5 inserts a new subsection into clause 15 in relation to the release of name change information and amendment No 6 inserts a new subsection into clause 18 in relation to the release of registration information for births and deaths. The insertion of new subsections into clause 23, through amendment Nos 7 and 8, will enable the same conditions to be applied to marriage and civil partnership registration information.

The practical effect of the amendments will be that, if registration information is released to other Departments and appropriate persons in relation to births, deaths, marriages, civil partnerships and name changes, the Registrar General will have the power to impose restrictions on how the data can be used and with whom it can be shared.

Question, That amendment No 5 be made, put and agreed to.

Clause 15, as amended, ordered to stand part of the Bill.

Clauses 16 and 17 ordered to stand part of the Bill.

Clause 18 (Notification of births and deaths)

Amendment No 6 made: In page 7, line 26, at end insert

“() Any notification under paragraph (1) shall be subject to such conditions as the Registrar General considers appropriate.” — [The Minister of Finance and Personnel (Mr S Wilson).]

Clause 18, as amended, ordered to stand part of the Bill.

Clauses 19 to 22 ordered to stand part of the Bill.

Clause 23 (Notification of registration of marriages and civil partnerships)

Amendment No 7 made: In page 9, line 29, at end insert

“() Any notification under paragraph (1) shall be subject to such conditions as the Registrar General considers appropriate.” — [The Minister of Finance and Personnel (Mr S Wilson).]

Amendment No 8 made: In page 10, line 2, at end insert

“() Any notification under subsection (1) shall be subject to such conditions as the Registrar General considers appropriate.” — [The Minister of Finance and Personnel (Mr S Wilson).]

Clause 23, as amended, ordered to stand part of the Bill.

Clauses 24 and 25 ordered to stand part of the Bill.

Mr Deputy Speaker: We now come to the third group of amendments for debate. With amendment No 9, it will be convenient to debate amendment Nos 10, 11 and 15. The amendments relate to the register of presumed deaths. I call the Minister to move amendment No 9 and address the other amendments in the group.

New Clause

The Minister of Finance and Personnel: I beg to move amendment No 9: After clause 25, insert the following new clause:

“Notification of entry in Register of Presumed Deaths

25A. *In paragraph 1 of Schedule 1 to the Presumption of Death Act (Northern Ireland) 2009 (entries in Register of Presumed Deaths), after sub-paragraph (2) there shall be added the following sub-paragraphs—*

‘(3) The Registrar General may notify such persons as the Registrar General considers appropriate that an entry has been made in the Register of Presumed Deaths.

(4) Any notification under sub-paragraph (3) shall be subject to such conditions as the Registrar General considers appropriate.’.”

The following amendments stood on the Marshallled List:

No 10: After clause 25, insert the following new clause:

“Access to information in the Register of Presumed Deaths

25B.—(1) Schedule 1 to the Presumption of Death Act (Northern Ireland) 2009 (Register of Presumed Deaths) shall be amended in accordance with subsections (2) and (3).

(2) After paragraph 3 (searches of indexes and examination of entries) there shall be inserted the following—

‘Access to information

3A.—(1) Regulations made by the Department may make provision for any person to have access on payment of the prescribed fee to any information contained in the Register of Presumed Deaths.

(2) In sub-paragraph (1) “the prescribed fee” means the fee of such amount as may be prescribed by order made by the Department under paragraph 7(1).

(3) Regulations under sub-paragraph (1) may provide that the relevant period must have expired in relation to the information.

(4) In sub-paragraph (3) “the relevant period” means, in relation to information relating to a presumed death, the period of 50 years from the presumed date of death or such other period as may be prescribed.

(5) Regulations under sub-paragraph (1) may provide for the Registrar General—

(a) to make arrangements with any person for the purpose of providing access to information as mentioned in that sub-paragraph; and

(b) for that purpose to transfer information to that person subject to conditions (including conditions as to the making of payments by that person to the Registrar General).

(6) This paragraph is without prejudice to paragraph 3.’.

(3) In paragraph 7 (fees), in sub-paragraph (1), after head (b) there shall be inserted the following head—

‘(bb) access to any information under paragraph 3A.’.

(4) In consequence of subsection (2), in the definition of ‘prescribed’ in section 17 (interpretation) of

that Act, for the word ‘paragraph’ there shall be substituted the words ‘paragraphs 3A(1) and (2) and’.” — [The Minister of Finance and Personnel (Mr S Wilson).]

No 11: After clause 25, insert the following new clause:

“Correction of errors in the Register of Presumed Deaths

25C. In paragraph 4(1) of Schedule 1 to the Presumption of Death Act (Northern Ireland) 2009 (correction, etc. of Register of Presumed Deaths), for the words ‘any clerical error or any error of fact or substance’ there shall be substituted the words ‘an error’.” — [The Minister of Finance and Personnel (Mr S Wilson).]

No 15: In the long title, after “1976” insert

“and the Presumption of Death Act (Northern Ireland) 2009”. — [The Minister of Finance and Personnel (Mr S Wilson).]

The Minister of Finance and Personnel: As a result of the Presumption of Death Act (Northern Ireland) 2009, it will be necessary to include additional provisions in the Civil Registration Bill to ensure that the new register of presumed deaths operates consistently with other registers of vital events. The amendments relate to access to information in the register of presumed deaths, notification of presumed deaths and the correction of errors in the register.

Clause 18 of the Civil Registration Bill makes provision for the notification of birth or death information to other Departments and appropriate persons and enables an informant to ask for a birth or death registration to be notified to other organisations. That has been subsequently amended as discussed previously under amendment No 6 to enable the Registrar General to impose conditions on the use of registered information released. In line with that process, amendment No 9 inserts a new clause into the Bill after clause 25, which will make provision of entries in the register of presumed deaths to be notified in a similar way to entries in the register of deaths.

Amendment No 10 inserts a new clause in relation to access to information contained in the register of presumed deaths. Under clause 13 of the Civil Registration Bill, it is intended that regulations will allow any person to access information about a death recorded in the register. The clause will also allow the Registrar General to enter into arrangements with other

appropriate persons to provide access to the information and to transfer information to ensure that access to registers is consistent. Amendment No 10 will allow the same process to be carried out for entries contained in the register of presumed deaths.

Amendment No 11 inserts a new clause in the Bill that makes provision for errors in the register of presumed deaths to be corrected in the same manner as set out for the register of deaths in the 1976 Order as amended by the Civil Registration Bill.

Amendment No 15 relates to the long title of the Bill. The long title is amended to include the amendments in relation to the Presumption of Death Act (Northern Ireland) 2009.

Question, That amendment No 9 be made, put and agreed to.

New clause ordered to stand part of the Bill.

New Clause

Amendment No 10 made: After clause 25, insert the following new clause:

“Access to information in the Register of Presumed Deaths

25B.—(1) *Schedule 1 to the Presumption of Death Act (Northern Ireland) 2009 (Register of Presumed Deaths) shall be amended in accordance with subsections (2) and (3).*

(2) *After paragraph 3 (searches of indexes and examination of entries) there shall be inserted the following—*

‘Access to information

3A.—(1) Regulations made by the Department may make provision for any person to have access on payment of the prescribed fee to any information contained in the Register of Presumed Deaths.

(2) *In sub-paragraph (1) “the prescribed fee” means the fee of such amount as may be prescribed by order made by the Department under paragraph 7(1).*

(3) *Regulations under sub-paragraph (1) may provide that the relevant period must have expired in relation to the information.*

(4) *In sub-paragraph (3) “the relevant period” means, in relation to information relating to a presumed death, the period of 50 years from the presumed date of death or such other period as may be prescribed.*

(5) Regulations under sub-paragraph (1) may provide for the Registrar General—

(a) to make arrangements with any person for the purpose of providing access to information as mentioned in that sub-paragraph; and

(b) for that purpose to transfer information to that person subject to conditions (including conditions as to the making of payments by that person to the Registrar General).

(6) This paragraph is without prejudice to paragraph 3.’.

(3) In paragraph 7 (fees), in sub-paragraph (1), after head (b) there shall be inserted the following head—

‘(bb) access to any information under paragraph 3A.’.

(4) In consequence of subsection (2), in the definition of ‘prescribed’ in section 17 (interpretation) of that Act, for the word ‘paragraph’ there shall be substituted the words ‘paragraphs 3A(1) and (2) and’. — [The Minister of Finance and Personnel (Mr S Wilson).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 11 made: After clause 25, insert the following new clause:

“Correction of errors in the Register of Presumed Deaths

25C. *In paragraph 4(1) of Schedule 1 to the Presumption of Death Act (Northern Ireland) 2009 (correction, etc. of Register of Presumed Deaths), for the words ‘any clerical error or any error of fact or substance’ there shall be substituted the words ‘an error’.* — [The Minister of Finance and Personnel (Mr S Wilson).]

New clause ordered to stand part of the Bill.

Clause 26 (Commemorative documents)

Amendment No 12 made: In page 11, line 20, at end insert

“(2) In this section ‘prescribed’ means prescribed by order made under Article 47 of the 1976 Order.” — [The Minister of Finance and Personnel (Mr S Wilson).]

Clause 26, as amended, ordered to stand part of the Bill.

Clauses 27 to 31 ordered to stand part of the Bill.

Schedule 1 agreed to.

Schedule 2 (Repeals)

Amendment No 13 made: In page 14, line 10, at end insert

“In Article 19A(2), the words ‘and at such place as may be prescribed’.” — [The Minister of Finance and Personnel (Mr S Wilson).]

Amendment No 14 made: In page 14, line 13, at end insert

“Article 26(a).” — [The Minister of Finance and Personnel (Mr S Wilson).]

Schedule 2, as amended, agreed to.

Long Title

Amendment No 15 made: After “1976” insert

“and the Presumption of Death Act (Northern Ireland) 2009”. — [The Minister of Finance and Personnel (Mr S Wilson).]

Long title, as amended, agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the Civil Registration Bill. The Bill stands referred to the Speaker. Members may take their ease for a couple of minutes.

Damages (Asbestos-related Conditions) Bill: Consideration Stage

Mr Deputy Speaker: I call the Minister of Finance and Personnel to move the Consideration Stage of the Damages (Asbestos-related Conditions) Bill.

The Minister of Finance and Personnel

(Mr S Wilson): This is not good for my health, Mr Deputy Speaker.

Moved. — [The Minister of Finance and Personnel (Mr S Wilson).]

Mr Deputy Speaker: As no amendments have been selected, I propose, by leave of the Assembly, to group the first two clauses for the Question on stand part, followed by the Question on clause 3 stand part, to which a number of Members have indicated that they wish to speak. I will then put the Question on clauses 4 and 5 stand part, followed by the long title.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3 (Limitation of actions)

Mr Deputy Speaker: No amendments have been tabled to clause 3. However, a number of Members have indicated that they wish to speak on the clause.

1.30 pm

The Chairperson of the Committee for Finance and Personnel (Mr McKay):

Go raibh mait agat, a LeasCheann Comhairle. In addressing the Question on stand part, I will refer briefly to the Committee's consideration of the Damages (Asbestos-related Conditions) Bill. Before I do so, I remind Members that prior to the Bill's Second Stage on 17 January 2011, the Committee agreed at its meeting on 12 January to maintain an open position on the principles of the Bill. Members are already aware of the unique situation in which the Committee found itself following the decision of the Assembly on 14 February 2011 not to grant an extension to the Committee Stage of the Bill. I remind Members that the Committee did not reach the decision to seek an extension lightly. It came to that conclusion having identified a number of gaps in its evidence base.

In light of the Assembly's decision on 14 February not to grant an extension to Committee Stage, the Committee agreed at its meeting on 16 February 2011 that it was not in a position to report its opinion on the Bill or on the provisions

contained therein as provided for in Standing Order 33(2). That was not possible because the evidence received to that date was incomplete and there was insufficient time to collect and consider all of the further evidence required to enable the Committee to reach a fully informed position.

At that meeting, the Committee also agreed to not to take the remaining scheduled evidence on the Bill beyond that which had been scheduled up to 23 February 2011. Members, therefore, agreed a short factual report appending the written submissions, research papers and the Official Report of oral evidence that had been received up to that point in time. The report was made available to the wider Assembly on Friday 25 February 2011.

For Members' information, the Official Report of evidence sessions on 16 February 2011, on public liabilities that relate to Harland and Wolff, and on 23 February 2011, which included personal testimony from sufferers of pleural plaques alongside further medical evidence, have been placed on the Committee's web pages. I trust that Members will find provision of that evidence and further information on the Bill of assistance at Consideration Stage and subsequent Stages of the Bill's passage through the Assembly.

Mr A Maginness: I rise to speak on clause 3. At Second Stage, I raised a number of issues on the Bill. In particular, I pointed out what I thought to be a gap in the Bill's provisions with regard to clause 3. The Minister was aware of the point that I raised, and has indicated that he might look at a way to remedy the gap that I have suggested exists. If one looks at clause 3, it is clear that it provides that the period between the date of the decision on the Johnston case on 17 October 2007 and the date on which any change in the law comes into force does not count towards the three-year limitation period for raising an action for damages in respect of the three conditions covered in the Bill.

Subsection 1(a) address the kinds of claims to which the clause applies, which are claims involving asbestos-related conditions covered by clauses 1 and 2. That includes claims that have been raised in the courts before any change in the law comes into force, as well as future claims. The Bill's explanatory and financial memorandum states that:

"Subsection (1)(b) provides that, where actions have been raised before the date on which the change to the law comes into force, this section will apply only if those cases are ongoing at that date."

I emphasise the words:

"those cases are ongoing at that date".

The effect of the clause is to address cases that may be at risk of being dismissed by the courts on the basis of limitation points; in other words, on time-barred grounds. An example is given in the explanatory and financial memorandum, which is that a person who developed pleural plaques in December 2004 and whose case could be considered to be time-barred by December 2007 might have delayed raising his or her case because he or she thought that they had no right of action because of the decision in the Johnston case.

That person may have lodged a claim, because of the Department of Finance and Personnel's announcement that it was recommending a change to the law. Without that provision, which will, for a specified period, stop the time-bar clock running, that person's claim could be dismissed as having been raised beyond the three-year limitation period. In other words, clause 3 protects the interests of a plaintiff who has an ongoing case before any change to the law takes place, or who wishes to raise a case in the future after the law has been changed. Therefore there is no limitation period coming into play and, therefore, the claim is not disbarred.

I think that that covers a lot of cases that are, effectively, extant and cases that could be brought in the future. However, I think that the gap lies in the fact that it does not cover cases that have, for whatever reason, been withdrawn by a plaintiff, because of the Johnston case. Perhaps the plaintiff received advice from his or her solicitor saying that they had to discontinue the case, due to the House of Lords decision on Johnston. If that person has withdrawn their case or entered into some sort of contract or settlement with the defendant's solicitors to withdraw the case, where stands that case now? I suggest that clause 3 does not cover it, particularly in a situation in which a plaintiff is confronted with advice from their solicitor advising him that he needs to withdraw the case and, if it goes any further, the defendants could apply to the courts for it to be dismissed and, if it is dismissed, the plaintiff will have to bear his

own costs of the action, as well as the costs of the defendant.

If such a case arises, one can understand why a plaintiff would enter into some arrangement with the defendant's solicitors or legal representatives to withdraw the case or to discontinue the case against the client whom they represent. I do not think that clause 3 covers that. I raised that point at the Bill's Second Stage. I hope that the Department and the Minister will take the points that I am raising today on board, which are simply a reiteration of what I raised at the Second Stage.

I am contemplating bringing an amendment at the Further Consideration Stage in order to try to close the gap, which, I think, I am entitled to do. However, it would be helpful if the Minister reviews the points I have raised and, if he feels that he is convinced by my arguments, considers whether the Department should look at the issue further and bring an amendment in his name or in the name of the Department to cover the gap. I appreciate the Minister looking at that point and tabling an amendment. It seems to me that there is a class of case herein that is not covered by clause 3. I know that clause 3 was designed to try to cover as many people as possible, if not everybody, but I do not think that it covers everybody. I worry about that.

The Minister of Finance and Personnel: I thank the two Members who have spoken on the Bill. The Chairperson raised the issue of whether there has been sufficient time to consider the Bill. On 14 February, the House debated at length a motion that had been moved to extend the time for consultation on the Bill.

That was duly defeated, and I was pleased that it was. At that time, I explained the reasons why I believed that an extension would have been inappropriate. I was of the view that, had there been an extension, the Bill would not have passed during this Assembly term, and would then have had to take pot luck in the new mandate. Also, of course, the passage of time would have made it more open to challenge from the insurance industry.

I have to say that the insurance industry has fought against this issue in what I can only describe as a scandalous way over the period since the Johnston case, and, indeed, before that. It is my view — the Member for North Belfast expressed it too — that the insurance industry was quite happy to collect premiums

from employers who risked the possibility of claims for negligence, pocketed those premiums, and has since done everything that it can to try to fight the possibility of people taking successful claims. Many people are looking with interest to see whether the promise that the Executive made and the commitment that the Assembly made will be delivered in the time available in the remainder of this Assembly mandate.

I do not want to go over all the arguments. There have been two consultations on the policy and the draft Bill, and the information from those consultations was made available to the Committee and discussed fully with officials at Committee. Indeed, the debate at Second Stage was perhaps one of the best-informed debates that there has been on an issue such as this. That indicates to me that Members had a full knowledge of all the issues.

As far as I am concerned, there is one simple issue at hand. In the past, people who had been affected by exposure to asbestos as a result of negligence had recourse to the courts. That was then changed as a result of a High Court judgement. There have been moves in England and Wales to change that, legislation has been introduced in Scotland to change it, and it was appropriate for us in Northern Ireland to introduce legislation to change the legal position so that people had recourse to the courts where there had been negligence. I believe that the Committee has had all of the information available to it.

The Committee has produced a report summarising the evidence to date, and has had the ability to comment on that, but has chosen not to do so. I hear complaints that there has not been enough time to look at the issues, but the Committee did not even use all of the time that was available to it, without the extension, to take more evidence and produce a report. With all due respect, I think that there is inconsistency in the comments of the Chairperson on this issue. He said that the Committee wanted more time and felt that it had not had time to look at all the issues, but it then decided to simply produce a report summarising the evidence to date and make no comment on it, and did not even use all of the time available to it. One has to view the comments about there not being enough time in light of that.

As I said, I do not think that it is a particularly complex issue. It is a question of whether we overturn the House of Lords decision through legislation so that people have the opportunity of recourse to the courts. Of course, it is not unusual for legislatures to overturn decisions of the House of Lords when they feel that either those judgements do not reflect the wishes of the public or those of elected representatives. That is exactly what we are doing through this Bill.

1.45 pm

Mr Maginness, from North Belfast, queried whether clause 3 ensures that people who believe that they have a claim would have recourse to the courts. The intention was to make clause 3 as all-embracing as possible to ensure that no one was excluded because of the passage of time or by having cases in court that had not been dealt with. He and I discussed privately the question of what may constitute cases, and he raised it at Second Stage. He is not sure, and we are looking at the issue. For example, does it constitute a settlement if someone is encouraged to withdraw a case and, in doing so, does not incur costs? That is the issue.

Does it constitute a settlement if someone is told by their lawyer, "If you continue with this case, you may lose, and if you lose, you will incur costs, but if you withdraw it now, that will be the end of the story"? If it does, then, of course, it would not be covered by clause 3. However, if the withdrawal of that case does not constitute a settlement, then clause 3 would cover those people to enable them to take cases once the legislation goes through.

Between now and Further Consideration Stage next Tuesday, I will endeavour to get a definitive answer to that question. If necessary, the Member or the Department have the option to move an amendment to cover that possibility. We would want to see the point that the Member raised covered by the Bill. I think that it is covered, but, not being a lawyer, I am not aware whether, technically, there may be some risk. If there is, we will want to try to address that. Hopefully, I will be able to talk to the Member about that in the next day or two.

I thank the Members who spoke and the Committee for its work. It is an important issue. This is a working man's disease and a matter that we want to address. This has, for lots of reasons, taken some time. We have been cautious. Similar legislation went through

the Scottish Parliament and was challenged unsuccessfully in the Scottish courts. I believe that we are on firm ground on the matter.

Question, That the clause stand part of the Bill, put and agreed to.

Clause 3 ordered to stand part of the Bill.

Clauses 4 and 5 ordered to stand part of the Bill.

Long title agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the Damages (Asbestos-related Conditions) Bill. The Bill stands referred to the Speaker.

Budget Bill: Further Consideration Stage

Mr Deputy Speaker: I call the Minister of Finance and Personnel to move the Further Consideration Stage of the Budget Bill.

Moved. — [The Minister of Finance and Personnel (Mr S Wilson).]

Mr Deputy Speaker: As no amendments have been tabled, there is no opportunity to discuss the Budget Bill today. Members will be able to debate it at Final Stage. Further Consideration Stage is, therefore, concluded. The Bill stands referred to the Speaker.

Committee Business

Cyclists (Protective Headgear) Bill: Extension of Committee Stage

The Chairperson of the Committee for the Environment (Mr Boylan): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 24 March 2011, in relation to the Committee Stage of the Cyclists (Protective Headgear) Bill [NIA 9/10].

Go raibh maith agat, a LeasCheann Comhairle. Tugaim tacaíocht don Bhille na Rothaithe (Ceannbheart Cosantach). This Bill is contentious, has divided opinion and has come to the Committee late in the mandate. However, having received it, the Environment Committee is keen to spend what remaining time it has available looking at it. A public notice has been issued in the three main newspapers to ask for written submissions from interested parties. The Environment Committee has also arranged to take a briefing from the sponsor of the Bill at its meeting on 10 March 2011 and from other bodies, such as Headway, Sustrans and the Cyclists' Touring Club (CTC).

The short extension will allow enough time for individuals and organisations to respond and for the Committee to then produce an interim report, based on the oral evidence and written submissions, outlining the key issues that have been raised about the Bill for the incoming Environment Committee in the next mandate. Molaim an rún.

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 24 March 2011, in relation to the Committee Stage of the Cyclists (Protective Headgear) Bill [NIA 9/10].

Private Members' Business

Suspension of Standing Order 42(3)

Mr McKay: I beg to move

That Standing Order 42(3) be suspended in relation to the Single Use Plastic Bags Bill (NIA 8/10).

We have got round to this debate a lot sooner than expected.

I draw Members' attention to the next motion on the Order Paper, which seeks accelerated passage for the Bill. When I introduced the Bill to the House on 6 December 2010, I had no intention of seeking accelerated passage for it. It was only after its introduction that the position changed and consideration began to be given to using my Bill as a vehicle for legislating for the levy that was announced by the Minister of Finance and Personnel in his statement on the draft Budget on 15 December 2010.

As the Department of the Environment agreed to progress many of the Bill's objectives, and because there were other changes to the Bill arising from the Budget statement, we were unable to comply with Standing Order 42(3), which refers to information that must be given to a Committee before a Bill that is to have accelerated passage is introduced. That being the case, I am seeking the agreement of the Assembly to suspend Standing Order 42(3), prior to seeking its support for the Bill to proceed under accelerated passage.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I have grave reservations about granting accelerated passage to this Bill. It has to be put on record that the proposal for accelerated passage came before the Environment Committee very late. Having been due to come to the Committee twice, the proposal did not appear, and it then came very late.

I have no opposition in principle to a Bill on this issue being discussed and being subject to proper process through the Assembly and its Committees. However, it emerged on the day that the Member presented his proposal for accelerated passage to the Committee — as it did on Thursday when departmental officials attended the Committee — that there are major loose ends, major don't-knows and major issues that bring us back to the key issue, which is that the matter should be subject to due and proper process.

Mr Deputy Speaker: I advise the Member that we are discussing the suspension of a Standing Order and not accelerated passage for the Bill.

Mr McGlone: I appreciate the forbearance of the Deputy Speaker, but I cannot support the suspension of Standing Orders to facilitate the accelerated passage of the Bill.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I agree with the Member that the Bill came to the Committee and the Assembly very late as a result of the draft Budget announcement in December. That was only two months ago, and since then we have worked with officials from the Department of the Environment and others to ensure that we get the Bill right. Changes arose from the change in the Executive's position, but Members, including Mr McGlone, will have the opportunity to table amendments during the Bill's later stages. If the Bill successfully completes its passage through the House, the Department will also have the opportunity to consult on the regulations that will be set up and carried out as a result of the Bill.

Mr Deputy Speaker: Before we proceed to the Question, I remind Members that the motion requires cross-community support.

Question put.

The Assembly divided: Ayes 53; Noes 37.

AYES

Nationalist:

Ms M Anderson, Mr Boylan, Mr Brady, Mr W Clarke, Ms Gildernew, Mr G Kelly, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Mrs McGill, Mr M McGuinness, Mr McKay, Mr McLaughlin, Ms Ní Chuilín, Mr O'Dowd, Ms S Ramsey, Ms Ruane, Mr Sheehan.

Unionist:

Mr S Anderson, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr Craig, Mr Easton, Mrs Foster, Mr Frew, Mr Gibson, Mr Girvan, Mr Givan, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

Other:

Mr B Wilson.

Tellers for the Ayes: Mr Boylan and Mr McKay.

NOES

Nationalist:

Mr Attwood, Mr D Bradley, Mrs M Bradley,
Mr PJ Bradley, Mr Burns, Mr Dallat, Mr Gallagher,
Mrs D Kelly, Mr A Maginness, Mr McDevitt,
Dr McDonnell, Mr McGlone, Mr O'Loan,
Mr P Ramsey, Ms Ritchie.

Unionist:

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

Other:

Dr Farry, Mr Ford, Ms Lo, Mr Lyttle, Mr McCarthy,
Mr Neeson.

Tellers for the Noes: Mr Gallagher and Mr A
Maginness.

Total votes	90	Total Ayes	53	[58.9]
Nationalist Votes	36	Nationalist Ayes	21	[58.3]
Unionist Votes	47	Unionist Ayes	31	[66.0]
Other Votes	7	Other Ayes	1	[14.3]

Question accordingly agreed to.

Resolved (with cross-community support):

*That Standing Order 42(3) be suspended in relation
to the Single Use Plastic Bags Bill [NIA 8/10].*

Mr Deputy Speaker: Order. Members should
resume their seats or leave quietly.

**Single Use Plastic Bags Bill:
Accelerated Passage**

Mr McKay: I beg to move

*That the Single Use Plastic Bags Bill [NIA 8/10]
proceed under the accelerated passage procedure.*

Go raibh maith agat, a LeasCheann Comhairle.
I speak in favour of granting the Single Use
Plastic Bags Bill accelerated passage, in
accordance with the requirements of Standing
Order 42(4)(a) and (b).

I ask that the Bill proceed under the accelerated
passage procedure. Accelerated passage is
necessary in this case, as there is limited time
left in this Assembly's lifetime. If accelerated
passage is not granted, the Bill will fall as a
consequence. The Bill would have had the
opportunity to progress fully through all its
stages but for the unforeseen development of
the Budget announcement. That introduced
additional factors and issues that we had to
consider.

**The Chairperson of the Committee for the
Environment (Mr Boylan):** Go raibh maith agat,
a LeasCheann Comhairle. The Committee for
the Environment received a briefing from the
Bill's sponsor on 17 February 2011. Members
asked many questions and wanted to know
more about the justification for the Bill and its
policy principles. They also wanted to know how
a plastic bag levy would operate in practice;
who would collect it; how much it would be;
how much it would generate; what impact it
would have on businesses and the environment;
and what could be done with the money. The
sponsor explained that, now that the Executive
have embraced it as a mechanism to generate
revenue, the Department of the Environment
is seeking changes to the Bill so that it meets
its needs and expectations. Members were
concerned when the sponsor indicated that
the Bill may look radically different after further
discussions with the Department. The sponsor
also suggested that, because of that concern,
the Department may be in a better position
to answer some of the Committee's technical
questions about how the levy might operate in
practice. He stressed that, in principle, his Bill
will remain the same.

Members received a departmental briefing
on 24 February. At that meeting, members
questioned the officials on the Bill's operational
arrangements; the mechanism for collecting

the levy; the implications for the Department if the Bill were not enacted in this mandate; and the proposed amendments to the Bill that the Department was asking for. I will go into more detail on the Department's response to those questions in the next debate. For the purposes of this debate, however, the key issue is that departmental officials could not provide details of proposed amendments to members at that stage, although they indicated that amendments would be substantial. At the same meeting, the Committee considered an Assembly Research and Library Service paper on the environmental impact of plastic, cloth and paper bags. It is fair to say that consideration of that document brought more confusion to the deliberations, as it was difficult to ascertain which option would be the best in lessening the environmental impacts of bag usage.

Following the departmental briefing, the Committee remained concerned that the Bill would be substantially changed after Second Stage. Members were concerned that they would be endorsing new primary legislation that they had not seen or had time to discuss. The Committee has now considered a number of Bills, but, no matter how comprehensive and well prepared a Bill is, there have always been areas that, the Committee felt, could be improved.

When asked if it was willing to support accelerated passage, the Committee, by a majority, said no. That was not necessarily a reflection of support or otherwise for the Bill's policy principles. I will also discuss that matter in the next debate. It was clearly indicated, however, that members felt that it would be wrong to allow accelerated passage when there was still so much to be done with the Bill, not least determining the mechanism for collecting the levy. Therefore, the Committee did not support accelerated passage for the Bill.

With your indulgence, Mr Deputy Speaker, I wish to say a few words as a Sinn Féin Member. I fully support my colleague, the sponsor of the Bill, in bringing the Bill forward. It contains measures that will help address environmental issues. With that in mind, as an MLA for Newry and Armagh, I support the Bill.

Mr Kinahan: I am pleased to have a chance to speak against accelerated passage. I want to set it on record, absolutely and clearly, that the Ulster Unionists are all for trying to stop the

littering of Northern Ireland with blue bin bags and, particularly, to stop the bad side effects of plastic bags. However, we do not believe that the Bill does that in the best way that it could. We are, though, waiting to hear a bit more from the Minister on the matter. At last week's meeting, the Department gave us a good indication of various changes that are likely to be made to the Bill. That only adds to our wish to vote against accelerated passage.

2.15 pm

We want to know more and have a better chance to debate these matters. We want to keep our eye on the ball. We want to make sure that we reduce the use of plastic bags. We want to make sure that we reduce litter. However, we want to improve the environment. I remind everyone that this is being driven by the Environment Committee. The Bill needs to raise tax so that we can protect the environment. However, as I have said before, the Bill would not properly achieve that. From the document produced by the Assembly's Research and Library Services, we also now know the impact that the Bill would have on the environment — I will go into that in a bit more detail in a second — and that it is enabling legislation.

Four major changes are likely to be made to the Bill, which I hope the Minister will speak about in a bit more detail. However, most importantly, we feel that there is a need for proper, lengthy and thorough consultation. The Single Use Plastic Bags Bill will affect businesses. It may, in fact, lead to job losses, which we cannot afford at the moment. It may also put more pressure on councils. A mass of other legislation is going through that will affect councils, and no more resources are being given to councils to help them with that. We want to hear from the other environment stakeholders.

I arrived in the Chamber and became a member of the Environment Committee some 20 months ago. Ever since I first saw the Bill, I have asked to know more about the environmental impact that it would have on Northern Ireland. We only received that detail last week, and I am extremely grateful for it. I will not go into every detail, but it shows us that the Bill, in its present form, is not necessarily the right route to take.

Paper bags are four times worse for the environment. Cloth bags, although excellent for recycling and to be encouraged, bring a major

health issue. We need to know more about each of those. I am sure that, like me, all other Members want to make sure that any legislation that we pass from this Building is not just OK legislation but good legislation that has been properly thought through and consulted on.

The Bill has another side effect in respect of black bin bags. In Ireland, there has been a huge increase in the number of black bin bags, which are even worse at degrading and even worse for nature. The Bill would not achieve what we hoped it would achieve. The public need to know and be taught which bags are better to use, which are better to recycle, where to recycle —

Mr Deputy Speaker: I remind the Member that we are talking about accelerated passage and not the content of the Bill or the good and bad of bags.

Mr Kinahan: I will go into that in a bit more detail in the next debate on the Bill. I also want to go into the fact that four changes will be made to the Bill. Accelerated passage would mean that we would not get a proper chance to discuss each of those areas. One of those is the effect of the bag on the environment, and another is the definition of that bag and whether it is a single-use plastic bag or just a single-use bag. That is one of the changes that the Department wants to make. The Department also wants to change the 15p charge that is mentioned in the Bill. We would like to know more about that before we grant the Bill accelerated passage. The way in which the levy is to be raised is not totally in accordance with EU guidelines. We would like to know more about that before we grant accelerated passage. We also want to see much more detail on how the Bill will affect councils and the public before we grant accelerated passage.

I shall summarise: we are not against the idea of the Bill, and, in fact, we agree with its principles. However, we do not like the way in which it is being put through, and we do not like accelerated passage. We do not like seeing the Bill go through without proper consultation. We feel that a bit of a deal has been done behind people's backs. One or two key members of the party on the Benches to my left are not here. I am intrigued about what is behind that. We are against accelerated passage.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I will be brief because I do not want

to repeat some of the points made earlier.

There is a common theme across the board in the community, from Friends of the Earth to the small business sector and smaller retailers: they want much more time to consider the Bill's implications and, therefore, want the proper procedures and legislative mechanisms of the Assembly to be adhered to so that proper and adequate scrutiny can be given to what the Chairperson referred to as a mechanism to generate revenue. I do not really think that that is the intent; accelerated passage would make the legislation's import and outcomes redundant. Given the inadequate consultation and detail provided, I support what the previous Member said about the need for the Bill to go through the proper channels of consultation and consideration in the Assembly. I, therefore, oppose accelerated passage.

Mr Lyttle: Although the Alliance Party firmly supports the Bill's general principle of protecting the environment through reducing plastic bag use, it, too, firmly opposes accelerated passage for the reasons already given and because of the number of amendments and outstanding issues of concern that will need full and proper scrutiny at Committee Stage.

Mr Beggs: I, too, oppose accelerated passage. The number of plastic bags being used in Northern Ireland, many of which are littering the countryside and damaging wildlife, should be reduced and their use minimised. Like any right-thinking person, I support that concept. I try to lead by example by using reusable bags for my weekly shop and by refusing plastic bags on many occasions. Given the effect of plastic bag use on the environment and on the consumption of limited oil resources, I am in favour of policies that curtail their use. However, there is a huge question mark over the best way of achieving that.

The motion to grant accelerated passage symbolises the worst aspects of the DUP/Sinn Féin-led coalition. Their proposals mean that there would be neither widespread debate on the issue nor an opportunity to consult the public to ensure that all aspects are taken on board so that we come up with the best solution for Northern Ireland. They are proposing to push this through almost as part of the Budget process, which has been agreed behind closed doors.

As others said, this is an extremely complex area. The Bill could easily lead to a tax with unintended consequences that adversely affect many aspects of the environment and actually increase our carbon footprint. As others also indicated, there can be problems with paper bags, and the Bill could encourage the use of other plastic bags such as bin liners, the use of which has increased dramatically elsewhere. So, we need to know the full picture. The increased burden on local government is another issue, as the levy would go to the Department, but the councils would have a monitoring role. I declare an interest as a local councillor. The estimated cost of the Scottish model is £7.5 million, yet this model is meant to have the potential to generate income of £4 million a year. So, the numbers need to be examined carefully.

Mr Deputy Speaker: I remind Members that we are debating the suspension of standing orders — sorry, accelerated passage.

Mr Beggs: Evidence is needed. There needs to be an opportunity for retailers, the public and those involved in the manufacture and distribution of plastic bags to provide all aspects of their evidence. In Scotland, the environmental levy proposals were withdrawn. Different models have been used in different parts of Europe. If this is forced through and a detailed Committee Stage is not allowed, there will not be proper consideration of all aspects of the Bill. I believe that, in Denmark, a tax is placed on bulk purchases, which minimises the administration of the scheme. In Belgium, there is a small 3 cent charge. There are different models. If we force this through by accelerated passage, proper scrutiny will not happen and careful looking at alternatives will not be allowed. In the past, the Committee for the Environment has improved legislation, and it has the potential to improve this legislation, given the opportunity to do so.

I understand that officials have recently briefed not only the Committee but several bag manufacturers that drastic changes are being proposed to the Bill as we speak that have not, as yet, been published. Guess what? If the motion is approved, we are going to give the Bill further accelerated passage. Surely, legislation must be carefully scrutinised and examined with all views taken on board, rather than accelerated passage being granted for something that is about to be dramatically altered. It is for that reason that the legislation

should have normal passage. There is no good reason for granting accelerated passage, other than, some may argue, that it has been included in the Budget and the money is needed.

Mr Deputy Speaker: As Question Time commences at 2.30 pm, I suggest that the House take its ease until that time. The debate will continue after Question Time, when the next Member to speak will be Mr George Savage.

The debate stood suspended.

2.30 pm

(Mr Speaker in the Chair)

Oral Answers to Questions

Education

Mr Speaker: Question 6 has been withdrawn.

DE: End-year Flexibility

1. **Mr P J Bradley** asked the Minister of Education for an update on how the new arrangements to replace end-year flexibility will operate.

(AQO 1165/11)

The Minister of Education (Ms Ruane): Mar atá a fhios ag an gComhalta, bhuail mé leis an Aire Airgeadais ar 21 Eanáir, agus d'aontaigh muid go gcaithfidh scoileanna fós rochtain a fháil amach anseo ar na barrachais atá carntha acu trí bhainistíocht fhónta airgeadais. As the Member knows, I met the Finance Minister on 21 January and we agreed that schools must continue to have access in future to surpluses that they have accumulated through sound financial management. We guaranteed to put in place arrangements to ensure that both past and future savings will be honoured, which is in line with the Executive's commitment to schools. Officials in both Departments met in January and February and are currently developing the mechanics of the process. There is, nevertheless, a guarantee that arrangements will be put in place to ensure that the needs of schools are met.

Mr P J Bradley: I thank the Minister for her answer. Will she tell the Assembly what her Department will do in circumstances in which drawdowns exceed receipts, as is most likely to happen?

The Minister of Education: As I explained, we have agreed with the Finance Minister that the surpluses and the schools' needs will be met, which is in line with previous commitments.

Mr Bell: Does the Minister agree that the guarantee that was given by her and the Finance Minister that schools will be able to access and use that money allows schools to properly and prudently plan, and that it is now time that the issue was not being raised week in, week out?

All that that does is cause confusion for boards of governors and principals and play politics with children's futures.

The Minister of Education: Members can put the questions that they want to, and I am perfectly happy to answer them, but I agree with my colleague. It is very clear that the schools can draw down their surpluses. It is for good financial management reasons. I applaud the schools for doing that. Members will know that school budgets run over different periods than our Assembly and Executive budgeting period, so the important thing is not to play politics with this issue but to be thankful that the Finance Minister and I have resolved the issue.

Mr B McCrea: I congratulate the Minister on her conversation with the Minister of Finance and Personnel in that she got additional funds. Did she raise the matter of EYF (end-year flexibility) for the education and library boards (ELBs), which is some £30 million? Will she confirm whether the agreement to fund the schools was reached at the same time as the agreement to fund the ELBs? That being the case, will she tell us why the ELBs do not get their £30 million EYF?

The Minister of Education: It is nice to be congratulated by my colleague. I wonder whether he would give me that in writing.

I think that Members agree that schools are in a very different situation than arm's-length bodies. Schools manage their budgets well, and we encourage them to do so. It is important that they continue to have access to EYF. It is important for arm's-length bodies to plan and to spend wisely the funding that they receive.

Magherafelt Primary School and Nursery Unit

2. **Mr I McCrea** asked the Minister of Education for an update on the newbuild project for Magherafelt Primary School and nursery unit.

(AQO 1166/11)

The Minister of Education: Cheadaigh an Roinn Airgeadais agus Pearsanra breithmheas eacnamaíochta athbhreithnithe don tionscadal seo ar 21 Eanáir 2011. A revised economic appraisal for the project was approved by the Department of Finance and Personnel on 21 January. The North Eastern Education and Library Board (NEELB) has embarked on the tendering process, and tenders were due for

return on 25 February. The NEELB estimates that construction work will get under way in late March, with an estimated completion date of around November 2012. I am pleased to report that five of the projects that I announced in August 2010 have moved to contract stage and a further eight are currently being tendered.

Mr I McCrea: I certainly welcome the news that the newbuild for Magherafelt Primary School and the nursery unit is proceeding and that, hopefully, the work will commence as soon as possible. Will the Minister assure the House that money will be made available to ensure that there are no delays in that project and that —

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

Mr I McCrea: — the school build will be completed by the date that she mentioned?

The Minister of Education: Mura sínítear an conradh roimh dheireadh Mhárta 2011, níl aon ráthaíocht ann go mbeidh maoiniú ar fáil sa bhliain airgeadais 2011-12 le ceadú don obair tosú ansin. Should the contract not be signed before the end of March, there is no guarantee that funding will be available. As the Member will know, this money came to us from the in-year monitoring rounds. However, I want all 13 projects on site, and I believe that we can get them all on site. Therefore, it is essential that the North Eastern Education and Library Board ensures that there are no delays in the assessment of the tender returns and that the contract is awarded as soon as possible. I know that the Member wants those schools to be built: so do I.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra a thug sí maidir le Bunscoil Mhachaire Fíolta. I thank the Minister for her reply in regard to Magherafelt Primary School. Will she also say which capital schemes are guaranteed funding in the next financial year? When are such schemes likely to go on site?

The Minister of Education: We have spent a record amount of money on school newbuilds since 2007. We have completed many projects at a cost of more than £500 million, and a further 13 projects are going on site. The Member will be aware that we are in the process of agreeing our draft Budget. He will also be aware that I am fighting for further resources. Unless I receive them, we will not be able to

continue the capital programme at the same level and on the same scale as we did in the past.

I hope that the Executive and all parties in the House understand the importance of education getting the funding that it so deserves so that we can continue with the school-building programme. The Member knows that the investment delivery plan is a 10-year programme, on which we are doing well, and I want us to continue to build new schools.

Mr Molloy: Go raibh maith agat, a Cheann Comhairle. Minister, what will happen if construction work does not get under way before the end of this financial year?

The Minister of Education: Go raibh maith agat as an cheist sin. As said in answer to my colleague, it is important that the North Eastern Education and Library Board moves the tenders as quickly as it can, because we want to get this project on site before the end of the financial year.

Mr Kinahan: Does the Minister favour community and voluntary over nursery for early years provision?

The Minister of Education: It is not a case of favouring community and voluntary. We have a range of community, voluntary and statutory provision in that sector. It is important that we continue to develop our statutory as well as our community and voluntary provision. We have significantly increased the number of preschool places in the past couple of years. I cannot remember the exact figure, so do not hold me to this, but a couple of years ago I think that 43% of young people were getting places; we are now well into the high 90s. A record amount of money is going into early years provision. That does not mean that we stand still. It does not mean that we cannot improve; of course we can. However, we also need to credit the Assembly for its work, and early years provision is one of the areas for which all parties support increased funding.

Teachers: Employment

3. **Mr Ross** asked the Minister of Education for her assessment of the likelihood of future teachers finding a permanent teaching position within one year of graduating. (AQO 1167/11)

The Minister of Education: Tá tionchar ag réimse leathan tosca ar líon agus chineál na

bhfólúntas a mbeadh múinteoirí nua-cháilithe i dteideal cur isteach orthu in aon bhliain amháin.

The number and type of vacancies for which newly qualified teachers may be eligible to apply for in any one year is primarily influenced by decisions made by schools based on their funding under the local management of schools common funding formula arrangements. Reductions, as set out in the draft education budget, would pose a major challenge, particularly in 2011-12. We must raise standards and protect front line services as much as possible. Available resources will have to be carefully prioritised and used to greatest effect. I will seek to maximise the resources provided directly to schools and also press for additional resources. I am keen to ensure that newly qualified teachers are afforded every opportunity to gain permanent employment, provide substitute cover and fill temporary vacancies. Re-employing prematurely retired teachers is denying newly qualified teachers the opportunity to acquire valuable experience. We must also remove obstacles to mobility on a North/South basis.

It would be remiss of me not to mention — Members will be aware of it — that we had an election in the South of Ireland. I congratulate all those who were elected, including my party colleagues, and commiserate with those who lost their seats. I pledge to work with the new Education Minister when he or she is appointed, and I very much look forward to working with that person, because removing obstacles to mobility for our teachers is very important.

Mr Ross: I am not sure how any of that rant about the election is in any way relevant.

One of the first motions that I put down in the House was about a scheme to help graduate teachers get an induction year to give them the experience that they need when they apply for a full-time job. The Minister rejected that and said that there are other ways to do that. However, there has been no progress on that issue, and young teachers are being failed. When the Minister leaves office in a few weeks' time and looks back on how she has dealt with that issue and how she has helped young graduates to get permanent placements and work, will she think that she has been successful in that field or has totally failed those young people?

The Minister of Education: I believe that we are doing everything we can for our newly

qualified teachers to ensure that they get the opportunities that they deserve. With my colleague in the Department for Employment and Learning, we worked out the number of teachers that we needed. Rather than a blanket cutting of teacher training places, we looked at where our priorities areas of curricular needs will be. The House will know — I said it on many occasions — that we have curricular needs in science, in the Irish medium because of the growth, and in special educational needs. So, we targeted places. We are also putting in place arrangements to make it much more difficult for schools to re-employ prematurely retired teachers. That is what we need to do. The Member will be aware that we are bringing in a flat rate and are creating incentives to ensure that our young teachers get opportunities.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. I am glad that the Minister mentioned employment and learning. Will she go into a bit more detail on how she determines how many teachers to train on a yearly basis?

The Minister of Education: Tháinig laghdú ar líon na ndaltaí ó bheagnach 341,000 sa bhliain 2003-04 go beagnach 322,000 sa bhliain 2010-11. Pupil numbers have declined from almost 341,000 in 2003-04 to almost 322,000 in 2010-11 but are projected to rise to around 324,000 by 2016-17. Initial teacher education intake numbers have been reduced by almost 25% in 2004-05; that is a reduction from 880 to 663 in 2010-11 in light of the decline in pupil numbers.

Pupil numbers are a very important factor in determining the intake to initial teacher education, but many other factors also need to be taken into account, including our diverse schooling system; the fact that many young people who cannot gain places at our local initial teacher education (ITE) institutions go elsewhere and return to teach here; and the viability of local providers and of individual post-primary courses. I also need to respond to demand in important areas such as the STEM subjects, special educational needs and, as I said earlier, the growing Irish-medium sector.

Mrs M Bradley: We hear all the time lately about how many people are emigrating and leaving Ireland to find jobs in England. At the minute, how many qualified teachers do we have who have not got a job?

The Minister of Education: I have the figures here; I ask Members to bear with me. Bunaithe ar an eolas is déanaí atá curtha ar fáil ag an gComhairle Ghinearálta Teagaisc i mí na Nollag 2010 ar mhúinteoirí atá fostaithe ag scoileanna.

2.45 pm

Based on the latest information that was provided by the General Teaching Council in December 2010 on teachers employed by schools, 22% of teachers who graduated from institutions in the North of Ireland in 2010 and who are registered with the GTC have obtained a permanent teaching post or a teaching post of a significant temporary nature. Of those who graduated in 2006, some 76% have now obtained a permanent post or a post of a significant temporary nature. Of that 22%, some will be employed in other areas, and you can see the correlation between getting experience and the statistics. It is good that 76% of the teachers who qualified in 2006 have now obtained a teaching post, but we need to continue to ensure that teachers get access to jobs.

University of Ulster: Magee Campus

4. **Ms M Anderson** asked the Minister of Education whether the relocation of Foyle and Londonderry College would assist the proposed expansion of the University of Ulster's Magee campus.

(AQO 1168/11)

The Minister of Education: Tá Coláiste an Fheabhail agus Dhoire agus Bunscoil Ebrington ar dhá cheann de na mórthionscadail chaipitil atá fágtha ar phlean infheistíochta seachadta mo Roinne. Those schools are two major capital projects that remain on the departmental investment delivery plan. A stage C submission, which involves initial sketch plans and costs for both schools, is being considered by my Department. The draft Budget 2011-15 highlights significant reductions in the capital budget for education over the next four years. Any investment in newbuilds, unless I receive further allocation from the Executive and, indeed, from the Assembly is, therefore, likely to be intermittent and limited. I want to continue with the school building programme, and I look forward to the support of all parties in the House when we put forward our bids. Projects on the investment delivery plan are being progressed to completion of their current stage, until our budget is confirmed. At that point, I will be able to determine how we move forward.

I look forward to receiving the support of all Members.

On the use of the existing schools, it is my understanding that the board of governors of Foyle College has already entered into negotiations with the university about the sale of its existing premises to Magee College. I understand that it has been agreed with the University of Ulster that it will have first option to purchase the school land. Obviously, issues relating to the University of Ulster are a matter for the Minister for Employment and Learning, and I cannot comment further on the proposed expansion of the Magee campus.

Ms M Anderson: Go raibh míle maith agat, a Cheann Comhairle. I thank the Minister for that detailed response. Is the money that the Minister has spent relocating Foyle College to Ebrington of such an amount that it necessitates her getting back the money from the reduction to her capital budget? How much money has been spent on the process of relocating Foyle College to Ebrington?

The Minister of Education: Go raibh maith agat as an cheist sin. Go dtí seo, tá cúnamh deontais arbh fhiú £1,877,036 ar fad curtha ar fáil ag mo Roinn do Choláiste an Fheabhail agus Dhoire. To date, my Department has provided a significant amount of money for the relocation. That includes the acquisition of the Clooney site and the professional fees incurred. The Western Education and Library Board has responsibility for the planning of the project for Ebrington Primary School. It has confirmed that £82,870 has been spent to date on that project and that £14,877,036 has been spent on the move to the Clooney site. I want to continue to build schools, and I hope that we get further resources to continue with the capital building programme. It is very important for the development of our economy to continue building schools across the North of Ireland and to continue with the significant level of investment that we have completed already.

Mr P Ramsey: Will the Minister acknowledge the considerable work that has been done by the management of Foyle and Londonderry College and Ebrington Primary School on the relocation of that primary school and grammar school to the Army base in the Waterside? Can the Minister confirm that both of the business cases have been approved by DFP? Will they still be a priority in her budget?

The Minister of Education: Any school that gets to the point where it can get a newbuild and be on the capital programme has done tremendous work, and I pay tribute to all the schools on our capital list. It is important that we get further resources to continue with the school building programme.

Mr Campbell: The Minister talked about “those schools” and “both schools”. It is unfortunate and regrettable that she could not use the correct terminology when talking about Foyle and Londonderry College. Does she accept that the concept and the project will be a win-win situation not just for primary schools in Ebrington or post-primary schools in Foyle and Londonderry, but for third-level education in respect of Magee, and that it is a project that should proceed with the utmost haste?

The Minister of Education: I trust that the Member is pleased with the amount of money that we have spent to date on those projects, and I hope that we can continue to fund the schools on our investment delivery plan. It is in the hands of Members of the Assembly and the Executive to ensure that we get the funding that schools deserve.

Mr Cree: When will the Minister publish the criteria that she will use to prioritise future capital spends?

The Minister of Education: Members will know that we are in discussions in relation to budgets, and there is a budget review group meeting. Members will also know that we have secured in the Budget significant extra money, and some of that is still unallocated. What we need to do now is move forward with the revenue-raising proposals. That is the best way of ensuring that we continue with our public investment programmes, whether they are in schools, in health, in housing or whatever area they are in.

Special Educational Needs (SEN)

5. **Dr McDonnell** asked the Minister of Education when the outcome of the consultation on special educational needs and inclusion will be published.
(AQO 1169/11)

The Minister of Education: Tá ullmhúchán á dhéanamh ar thuarascáil ina n-achoirnítear freagraí na cáipéise comhairliúcháin ‘Gach Scoil ina Scoil Mhaith — An Bealach chun Tosaigh do Riachtanais Speisialta Oideachais

agus Chuimsiú’. A report summarising the responses to the consultation document ‘Every School a Good School: The Way Forward for Special Educational Needs and Inclusion’ is being prepared, and I expect it to be available for publication very shortly. The document will provide a summary of almost 3,000 responses received during the consultation period. That includes a summary analysis of 846 responses received in written form, 737 responses in campaign form and 1,319 signatories to petitions.

Following the publication of the summary report, the next stage will be to proceed with detailed exploration of the policy options, which, it is envisaged, will involve further discussions with parents, schools, children, young people and other stakeholders before policy proposals are detailed and finalised.

Dr McDonnell: Will the Minister confirm that the majority of the responses to the proposals express opposition to them? That being the case, does she intend to spend millions of pounds on implementing proposals that people are not happy with?

The Minister of Education: There was a wide range of reaction to the proposals, and we will carefully study all those reactions. Different people have different views on different aspects. However, rather than play politics with the issue, we need to ensure that we continue investing in special educational needs and inclusion and that we invest very strategically. That is what I plan to do.

Rev Dr Robert Coulter: I declare an interest as chairperson of the board — *[Interruption.]*

Mr Speaker: I advise Members to rise in their place if they want in for a supplementary question.

Rev Dr Robert Coulter: I declare an interest as chairperson of the board of a special school. When will the Minister be in a position to give hope to Castle Tower School to proceed to the next stage of design?

The Minister of Education: First, I pay tribute to the Member because he has constantly supported this lovely school. I was privileged to visit it, and I have wonderful memories of it. I want to ensure that we continue investing. For me or, indeed, anyone to invest means that we have to continue with the building programme. We need to make a decision as an Assembly and as an Executive about how we prioritise

our resources. I believe that the best way of prioritising resources is on our public buildings programme. It helps the construction industry, but, more importantly, it deals with the legacy of underinvestment in our schools. The Member will know that in the past two years we have spent 99.9% of the budget that was granted to us. Give me money to build schools, and I will build them.

Ms Lo: It was good to hear that so many people responded to the consultation. It indicates the importance of SEN as an issue to many parents and families. Will the Minister assure us that she will produce her policy as soon as possible? Rather than continuing with more consultation, we need more action.

The Minister of Education: Although I welcome the Member's comments on SEN, I would add the word inclusion. The issue of special educational needs cannot be dealt with without talking about inclusion and, indeed, early years. All those policies are part of a jigsaw of interconnected policies bringing about change: transfer 2010, early years policy, and Every School a Good School are among the raft of policies that we have. That is how we can make real differences in our education system. Early intervention is key, and I pledge to the Member that we will study, and are studying carefully, the responses to the consultation. We are moving forward on many aspects of special educational needs and inclusion with Every School a Good School, early years and other policies. We should not look at special educational needs in isolation. The Member was absolutely right to say that special educational needs and inclusion are important, and it is essential that we get the policy right.

Mr Humphrey: As the Minister comes to the end of her time holding the education portfolio, does she agree that one of the outcomes of the consultation that I have been conducting with principals in schools across the greater Shankill is that they want an education action zone established in that area? Does she agree that such an action zone would be beneficial to children, their parents and schools in general?

The Minister of Education: I have visited many of the schools on the Shankill and met many of the principals. I applaud the work that they do under extremely difficult circumstances. I also know, from speaking to them, and perhaps the Member could bring this up the next time that he is on the Shankill — *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: I know that the vast majority of teachers on the Shankill want an end to a two-tier education system. *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: When we look at the statistics for young people who do not get access to schools near the Shankill — *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: It is great to see Members laughing. *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: I do not know why Members feel that they can laugh when many children are being failed by the current education system. *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: Maybe they think that it is a laughing matter. *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: It is certainly not a laughing matter for me. I will ensure that we put in place policies. One of the best policies that we can put in place to ensure educational equality for children on the Shankill is called transfer 2010, transfer 2011 and transfer 2012. It is shameful to see the Member nodding his head. *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: He should talk to educationalists, and they will tell him what is needed. *[Interruption.]*

Mr Speaker: Order. Question 6 has been withdrawn, and question 7 was grouped with question 4. Dominic Bradley is next on the list.

Schools: Budget Cuts

8. **Mr D Bradley** asked the Minister of Education what effect the cuts to the aggregated schools budget will have on front line services.

(AQO 1172/11)

The Minister of Education: Níl na buiséid deiridh ná buiséid na Roinne aonair curtha i gcrích go fóill, agus coinneoidh mé liom ag iarraidh

breis airgead a fháil le tacaíocht a thabhairt do sholáthar oideachais ardchaighdeán ar mhaithe le gach páiste inár scoileanna. Budgets, including individual departmental budgets, are not yet finalised. As I said on a number of occasions, I will continue to press for additional resources. In the draft budget that we produced, we did everything that we could to protect front line services: youth services; special educational needs and inclusion; and counselling services. We will also extend the entitlement to free school meals. We must also do everything that we can to protect jobs. That is one of the reasons why I asked — I did so with a heavy heart — for £41 million to be reclassified from the capital budget this year. It is essential to protect jobs in schools. The best way of protecting jobs and protecting the aggregated schools budget is to ensure that we get further money from the unallocated resources, and I will fight for that.

I know that, at a meeting of the Committee for Education, the Member said that his party will support my bid. I welcome that. I hope to see his party put that into action.

3.00 pm

Employment and Learning

Belfast Metropolitan College

1. **Mr Humphrey** asked the Minister for Employment and Learning for his assessment of whether the restructuring proposals developed by the Belfast Metropolitan College represent the best way forward in addressing the financial circumstances currently facing the college.

(AQO 1180/11)

The Minister for Employment and Learning

(Mr Kennedy): Belfast Metropolitan College has developed a college improvement plan, which identifies the actions required to return it to long-term financial health and stability, including proposals for implementing a revised curriculum and the introduction of a new corporate structure.

My Department has monitored the process closely and has carried out a detailed review of the plan to ensure that it is robust, realistic and comprehensive. The plan has been accepted by my Department as providing a sound basis for ensuring the long-term financial health and stability of the college, while ensuring that the

quality of provision will not be adversely affected if the plan is implemented successfully.

Mr Humphrey: I thank the Minister for his answer. He will be aware that a number of people in Belfast in general and, in particular, my constituency of North Belfast are concerned about their future, given the talk that there has been about redundancies in the college. Can the Minister provide clarification on numbers and packages for those who may well be made redundant?

The Minister for Employment and Learning:

I thank the Member for his question. I am happy to give details of the continuing review and evaluation of staffing needs at Belfast Metropolitan College. Recently, it revised the number of staff efficiencies required from 168 posts, which is the figure given in the college improvement plan, down to 159 posts. Of those, 39 have been achieved through 93 part-time temporary staff not having their contract renewed. It is anticipated, therefore, that a reduction of some 120 full-time equivalent permanent staff will be required. The college is confident that a majority of the reduction can be achieved through retirement, voluntary redundancy, flexible working and redeployment, so that compulsory redundancies can be minimised. Of course, I do not, in any way, underestimate the impact that it will undoubtedly have on the staff who are affected, but I know that the college is attempting to manage the process carefully.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. Will the Minister confirm that the former chairperson of Belfast Metropolitan College wrote to his Department to warn that the Titanic Quarter project would not be affordable or sustainable? Will he further explain why his Department ignored those objections and put in over £40 million to the contract for that project?

The Minister for Employment and Learning: I am grateful to the Member for her supplementary question. It is important in all of that to realise that we need to ensure that Belfast Metropolitan College lives within its financial allocation, which, I believe, has been generous. Exciting and potentially dramatic proposals are available that will enhance the services that the college provides. We want to continue to ensure that it provides top-class educational facilities. The proposal that is under way will do that

for the future. We are planning for the future. I hope that the Member and her party will support the enhancement of services at Belfast Metropolitan College. I understand the concerns, which relate to the historical financial position that the college has got itself into over a period. That has now been taken on board and is being properly managed. However, we also have to look to and plan for the future.

Mr A Maginness: I listened carefully to what the Minister said. I understand the historical problem that exists in the Belfast Metropolitan College. However, a reduction of staff by 120, which is basically what the Minister has told the House, is a substantial cut. Can the Minister guarantee that the quality of education and the curriculum available will be maintained, despite that savage cut?

The Minister for Employment and Learning: I am grateful to the Member for his supplementary question. I accept that it will have a great impact on individual lives. I do not minimise or underestimate that at any stage. Nevertheless, having evaluated the situation and taken the time to conduct meetings with staff and trade union representatives, the college feels that this is the best option available to it, and it has come to that conclusion in a professional and caring way.

Mr Lyttle: I will endeavour to supplement Ms Ramsey's question, given the Minister's failure to answer her. Will the Minister advise the House of the impact that the Department for Employment and Learning's decision to approve relocation of the Belfast Metropolitan College to the Titanic Quarter had on the financial stability of the college?

The Minister for Employment and Learning: I am grateful to the Member for his supplementary question. I will attempt to answer it by saying that, I believe, the two issues are not completely and directly intertwined. There are separate issues affecting the two aspects of it. One is the financial position that Belfast Metropolitan College has achieved over a period of years. It is important that the college lives within its means. It is generously funded, compared with other colleges not only in Northern Ireland but throughout the rest of the United Kingdom.

It is also important that we look to the future. It is those future proposals that give a very exciting prospect for students who will attend Belfast Metropolitan College. I hope that that

will be welcomed by all sides of the House, in spite of the current difficulties that we are encountering.

Holylands: St Patrick's Day

2. **Mr Spratt** asked the Minister for Employment and Learning for an update on the measures his Department has put in place in preparation for St Patrick's Day in the Holylands area of South Belfast. (AQO 1181/11)

The Minister for Employment and Learning: My Department is represented on Belfast City Council's Holylands interagency group and has been working closely with partners on that group on planning and preparations for St Patrick's Day. The interagency group includes representatives of Departments — including my own — agencies, Belfast City Council, the PSNI, both universities and Belfast Metropolitan College.

The preparations for St Patrick's Day will build on the measures already in place, which helped ensure a relatively peaceful opening week and Halloween celebrations. Those preparations include an increase in the number of CCTV cameras in the area; an increased police presence; an increase in the number of community safety wardens; and strict enforcement of alcohol by-laws.

I have spoken to senior staff at both universities and to the chief executive of Belfast City Council about the preparations for St Patrick's Day and the important role that their organisations play, in conjunction with others, in aiming to bring a long-term solution to the issues in the Holylands area. I urge anyone with influence to ensure that St Patrick's Day is celebrated appropriately and peacefully.

Mr Spratt: I thank the Minister for his answer, and I acknowledge the work that his Department has done in relation to the issue following the ugly scenes that unfolded in the area two or three years ago. The Minister has spoken of the cross-agency support on the issue. Queen's University plays a lead role. Will the Minister acknowledge that Queen's University and the students around it are often blamed for a lot of the trouble that takes place, when, in fact, some of those who are responsible come from the other university and Belfast Metropolitan College? Will the Minister acknowledge the amount of work that Queen's has put into the issue? Will he assure me that there will be

adequate numbers of PSNI officers on duty? What indications have the PSNI made to him of the availability of additional officers?

The Minister for Employment and Learning: I am grateful to the Member for his supplementary question and for the interest that he takes in ensuring that St Patrick's Day passes off peacefully in that part of his constituency.

I assure the Member that I am aware of the very important role that Queen's University, the University of Ulster and Belfast Metropolitan College play in relation to the handling of their respective students.

It is interesting to note the percentage levels of students attached to each university and college there. It is not in any way a foregone conclusion that most of the students are actually from Queen's. However, for all of that, it is incumbent on all students, whichever college they attend, to behave correctly and responsibly on St Patrick's Day and, indeed, every other day of the year. The work of the agency, including Belfast City Council, is very important. Residents have also been involved in that work, and it is important that, on a corporate basis, everyone is seeking to achieve a peaceful St Patrick's Day and a good quality of life for the residents and everyone who stays or lives in that area.

Mr McDevitt: I am sure the Minister will agree that, despite the efforts made in recent years, the situation in the Holylands on St Patrick's Day remains entirely unacceptable and that, in fact, there are several hundred residents who are effectively prisoners in their own home, even up to last year. Would the Minister be happy to join me this St Patrick's Day in visiting the Holylands, so that he can better understand the complexity of the problems and the fact that, despite the good work being done by the universities, there are still significant and challenging issues and return to the House even more resolved to deal with them?

The Minister for Employment and Learning: I am grateful to the Member. The Oscar still goes to Colin Firth. *[Laughter.]* I might as well repeat an old joke; I have no new jokes. I will carefully consider his invitation. I am keen that my attendance anywhere should not provoke any unruliness, particularly on St Patrick's Day. He makes an important point: the people who live in that area — students, residents or landlords — are entitled to peace and a proper degree of respect for the law on all occasions.

I am satisfied that, through the work of the universities, the council, the other agencies and, particularly, the watchful eye of the PSNI, we can have a peaceful St Patrick's Day. If it is necessary for me to attend, I will give it consideration. St Patrick's Day this year coincides with the twenty-first birthday of my eldest son, and he does not stay in the Holylands.

Mr Cree: Following on from that, will the Minister join me in urging the universities to ensure that any antisocial behaviour by students, particularly attacks on the police, will not be tolerated?

The Minister for Employment and Learning: I agree entirely with the sentiments. As the Member indicates, the wider public would have grave difficulty in understanding how celebrations of our patron saint could develop into unruly scenes in any circumstances. People are entitled to have a day of celebration, but what is not permissible or acceptable is for people to behave badly, as we have seen on previous occasions. I want to try to keep it on an even keel. We had a bad experience a couple of years ago, but it was significantly improved last year, and I hope that there will be further improvement this year.

3.15 pm

DEL: Welfare Reform

3. **Mr Gardiner** asked the Minister for Employment and Learning for his assessment of the likely impact his Department's budget allocation will have on the delivery of welfare reform.

(AQO 1182/11)

The Minister for Employment and Learning: This draft Budget is extremely challenging. Despite that, I am entirely committed to delivering the main provisions of the welfare reform agenda that rest within my Department's remit. Assessment of the likely impact of the draft Budget allocation on welfare reform needs to be set in context. Throughout the past two years, my Department has been at the forefront of the Executive's response to the economic downturn. I do not foresee that challenging climate changing for the better in the near future. That will result in front line resources continuing to be stretched to capacity and beyond on a sustained basis.

The reduction in funding comes at a time when our services are most needed to assist increasing numbers of unemployed adults back

to work and deliver much-needed welfare reform. Against that backdrop, my assessment of the draft Budget allocation is that I will not have the additional resources required to respond to staffing and work programme provision to deliver the new welfare reform. For example, it will result in reduced capacity to respond to the support needs of clients or the development of new programmes, leaving Northern Ireland completely out of step with the United Kingdom. In that incredibly challenging context, I remain determined to target my available resources in the most effective manner to deliver welfare reform and enhance each individual's opportunity to return to work.

Mr Gardiner: I thank the Minister for his in-depth answer. However, is it his view that maintaining parity in welfare arrangements could come under significant pressure?

The Minister for Employment and Learning: I am grateful to the Member for his supplementary question. Parity concerns me, and everyone in the House should be concerned. I do not mean parity in pure financial terms; the level of advice services that my officials and the Department are able to provide is equally important, and that will be a challenge given the draft Budget. Nevertheless, I am confident that my officials at all levels will assist their customers and clients with the opportunities of which they need to be made aware.

Mr Bell: Does the Minister agree that we are witnessing the outcome of the £4 billion cut imposed on Northern Ireland by the Conservative-led Government and that within that the Northern Ireland Executive gave DEL the second most generous budget? Will he join me in supporting the front line staff who are dealing with thousands more unemployed adults than they were budgeted to support?

The Minister for Employment and Learning: I thank the Member for his question, at least the latter part of it. I confirm my admiration of and support for staff who are already stretched in providing important essential services and advice to people who find themselves without work or in a bad situation. I have every indication that that important work will continue. My Department will continue to support it as far as it can to minimise impact on front line services.

Ms Ní Chuilín: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his responses, particularly his response to the previous question.

Given that the Social Security Agency estimates that up to 25% of people will find themselves actively seeking work in the onslaught of welfare reform, will the Minister respond to the issue of funding for the west Belfast and greater Shankill task force, which looks after and supports people into work in one of the most deprived areas? That task force will be greatly impacted by the 25% of people who will be actively seeking work.

The Minister for Employment and Learning:

I am grateful to the Member for her question. I am aware that that is an issue that she and others are concerned about. I am happy to write to her with a more detailed reply.

Mr Speaker: Once again, I am having to second-guess whether Members want to ask supplementary questions. It is really up to Members to rise in their place.

Mr Gallagher: I was just running out of energy, but thank you, Mr Speaker.

Will the Minister assure us that his Department will continue to deliver welfare services in-house and that they will not be outsourced so that public sector jobs are not put under threat?

The Minister for Employment and Learning:

I am grateful to the Member for his eventual supplementary question. My intention is that my existing staff will be used to provide the services that are required. That will, of course, be a challenge, and, because of the economic backdrop, the circumstances make it unlikely that new staff or a different method of carrying out that work will be engaged in at an early point.

Employment: North Antrim

4. **Mr Storey** asked the Minister for Employment and Learning what steps his Department has taken to assist individuals in gaining employment, including self-employment and in improving linkages between employment programmes and skills development in the North Antrim area.

(AQO 1183/11)

The Minister for Employment and Learning: A number of specific events have been organised recently in the north Antrim area, including the Ballycastle area, to make employers more aware of the services and programmes that are offered by the Department to help them to recruit staff from among the unemployed. A further event is planned for Moyle District Council, involving Ballymoney Chamber of Commerce, on 4 March.

My Department has a comprehensive range of programmes and services available throughout Northern Ireland to help people train for, find and remain in work. Provision, through the Steps to Work programme, is flexible, so it can be tailored to address specific barriers that a customer may have to finding employment. Opportunities include the option to gain a work-related qualification; relevant work experience through high-quality job placements; assistance with improving essential skills; help with developing the skills needed to search for work or sustain employment; and a self-employment option for those who wish to start their own business.

Through the network of jobs and benefits offices and jobcentres, my Department also offers a full employment adviser service with employment programmes for people with a range of health conditions. Staff from the Careers Service are available throughout Northern Ireland to provide career information, advice and guidance. That is designed to help people to identify career goals and to source relevant courses to help them to achieve those goals.

Mr Storey: I thank the Minister for his reply, particularly the reference to the initiative that is being held on 4 March. Given the particular problems that we have in Ballycastle and Ballymoney, following that workshop on 4 March, will the Minister agree to look at what else can be done with his officials, Ballymoney District Council and Moyle District Council? That is very important, given the worrying unemployment figures that were recently published and the severe upward trend in unemployment in Ballymoney and Moyle.

The Minister for Employment and Learning:

I thank the Member for his supplementary question, and I acknowledge the concern that he has expressed to me on those matters today and on other occasions. I will ask officials to carry forward the work following the meeting on 4 March. If I can be of assistance, I will certainly make myself available to lead that progress.

Mr O'Loan: I thank the Minister for what he said on specific work in north Antrim. On a more general note, will he adopt a cross-departmental approach with the Department of Education with specific reference to work experience so that more pupils in our schools spend more of their time in direct work experience so that they are better prepared for a place in the workforce?

The Minister for Employment and Learning:

I thank the Member for his supplementary question. I agree with the general theme of what he said. Increasingly, it will be essential for Departments such as the Department for Employment and Learning to co-operate and collaborate in a much more detailed and meaningful way with other Departments, including the Department of Education. The Member's suggestion is perfectly sound. It is incumbent on Ministers in the Executive to heed that and to put in place measures so that progress can be made on how that can be achieved.

Mr K Robinson: I listened carefully to the Minister's answer, particularly his reference to the Steps to Work programme. Will he assure the House that that successful programme will continue and that there is a possibility of developing it to meet some of the challenges that the two Members for North Antrim raised?

The Minister for Employment and Learning:

I thank the Member for his supplementary question. I agree that the Steps to Work programme has been hugely successful. It has also made a real difference to a great many people, particularly young people. I hope that the Department, the Executive and the Assembly will continue to promote that good work and ensure that every possible assistance and opportunity is given to bring people through the various training programmes.

Young People not in Education, Employment or Training Strategy

5. **Mr Boylan** asked the Minister for Employment and Learning with which Executive Ministers he has met to discuss funding for the young people not in education, employment or training strategy and to outline the outcome of each of those discussions. (AQO 1184/11)

The Minister for Employment and Learning: The NEETs strategy was the subject of discussion by the Executive and of a major review by the Committee for Employment and Learning. The development of the strategy involved seven Departments as well as my own, and, subject to Executive approval, it is the intention to bring the proposed strategy forward for public consultation within the next few weeks. The strategy will outline the key actions that are funded by Departments within existing budgets.

I can tell the House that I included a bid for some additional resources to help with the implementation of the strategy among the development proposals that I submitted for consideration during the Budget 2010 process. Those were the subject of discussion with the Minister for Finance and Personnel, but, unfortunately, the overall settlement for my Department is not sufficient to accommodate them. It is now my intention to present a bid to the Executive's proposed social investment fund once the criteria are clarified and the Office of the First Minister and deputy First Minister issues a call for proposals.

It is important to understand that the resourcing of the strategy is not solely a matter for my Department; for example, the Department of Education, has a major role to play. It is also a matter not solely of new money but of the more effective use of the resources available to all Departments through co-ordinated activity and the sharing of best practice through delivery organisations.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his reply. Is he of the opinion that OFMDFM should take the strategy forward?

The Minister for Employment and Learning: I am grateful for the suggestion that the Member has made through his supplementary question. In many ways, that would make sense, and OFMDFM should take a leading role in it. However, such is the cross-cutting nature of the work that it involves my Department, the Department of Education, OFMDFM, the Department for Social Development, the Department of Justice, the Department of Health, Social Services and Public Safety, the Department of Enterprise, Trade and Investment and the Department of Agriculture and Rural Development. Therefore, it is important that Ministers and officials, across a range of Departments, apply themselves to what is required and bring forward a meaningful response to the challenges of those who are not in employment, education or training.

Mrs D Kelly: I welcome the Minister's comments. However, if the outcome of the next election were to be the same as the last, I would not have confidence in OFMDFM taking forward the strategy, having failed to bring forward its childcare strategy.

One of the findings of the NEETs inquiry was that some young people are not eligible for

education maintenance allowance (EMA). Is the Minister considering widening access to EMA to meet the needs of some of the young people who are not currently in education, employment or training?

3.30 pm

The Minister for Employment and Learning: I thank the Member for her supplementary question, the first part of which I will tactfully ignore.

The Committee for Employment and Learning's work has been important. Recommendation 41 indicated that the EMA should be better targeted. However, that does not necessarily mean that it should be extended; it simply means that it should be better targeted. That is what officials are considering before we bring forward proposals in a consultation document.

Private Members' Business

Single Use Plastic Bags Bill: Accelerated Passage

Debate resumed on motion:

That the Single Use Plastic Bags Bill [NIA 8/10] proceed under the accelerated passage procedure. — [Mr McKay.]

Mr B Wilson: The Green Party has supported a levy on plastic bags for many years. Therefore, I support the Bill in principle, and I look forward to the amendments that the Minister will propose. I supported accelerated passage in Committee and continue to do so. It is unfortunate that it is so late in the session, but it is important to get the Bill through before the recess. To achieve that, we require accelerated passage.

I welcome the fact that the income will be used to fund the green new deal, and it is important for that fund to be set up as soon as possible. There has been an initial consultation, and the Committee has taken evidence from departmental officials. Therefore, I do not foresee any major problems. Similar legislation has been very successful in the Irish Republic, and the Bill can bring significant economic and environmental benefits. I support accelerated passage.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. I am just finishing my speech. I thank the Members who contributed to the debate. The Committee Chairperson, Cathal Boylan, opened the debate, and I thank him and the Committee for accommodating me when I presented the Bill. It was a solid grilling session that lasted for over an hour. I now know how some officials must feel when they come before that Committee.

As Cathal said, the Committee voted against the Bill by a slight majority of one. I hope that the members who voted against accelerated passage can be swayed by some of the arguments that will be outlined later during Second Stage.

Danny Kinahan had concerns about the consultation. We carried out a consultation process, and I have a folder full of responses following the consultation. A lot of the issues that were raised influenced how the Bill was drafted. However, if the Bill goes through, as I foresee that it will, there will be another opportunity to discuss the regulations that will

be set up under the Single Use Plastic Bags Bill. There will be an opportunity for further consultation on the issues outlined, such as the effect on retailers, the exemptions, and so on. People and Members should not view the Bill as being tied down as some flexibility has been introduced. It is important to take into account the fact that the decisions and the minutiae will be decided further down the line.

Patsy McGlone had concerns about the statement made by Friends of the Earth, which was released in conjunction with the British Retail Consortium and NIIRTA. It is worth bearing in mind that the British Retail Consortium is against a levy of any type on plastic bags or any bags, and it is important that the matter is viewed in that context. I spoke to a representative of the British Retail Consortium this morning, and even though he is against a levy, he welcomes the fact that it is being amended so that the Assembly can look at the scope of extending it to other types of bag. So, he is very much in favour of that as opposed to a levy on plastic bags only.

I am surprised at some of the comments from Friends of the Earth. Declan Allison made a statement in conjunction with two other groups this morning, I believe. Mr Allison is on record as saying that linking the green new deal to the levy sends out a very strange message that using plastic bags is a good thing. That is a bit of a contradiction when compared to Friends of the Earth's position in its response to a consultation on a Scottish proposal for a bag levy. In that case, it argued that the funding should be ring-fenced for environmental projects. I do not know whether Mr Allison is out of line in regard to Friends of the Earth policy, but mixed messages certainly seem to be coming from Friends of the Earth in that respect.

Brian Wilson supported the Bill, and I welcome that. He said that it is also important that the green new deal is set up as soon as possible. I fully agree with that. If the Bill does not go ahead as planned, that will jeopardise the funding streams necessary to fund the green new deal and environmental projects, which is what the Bill is partially about. However, primarily, the Bill is about effecting environmental change and reducing the amount of plastic bags in circulation. We should move forward in the same way that the South did. The proceeds should go towards environmental measures as opposed to into the central pot.

The Minister of the Environment (Mr Poots):

Does the Member not think it somewhat odd that, when he brought a debate to this House some time ago, Mr McGlone said:

"As a constituency MLA, I look forward to the Minister introducing proposals to the Committee that will help our countryside to be improved and to look clean, green and welcoming." — [Official Report, Bound Volume 34, p285, col 1].

In that same debate, Mr Beggs said that he supported the motion and that:

"the Assembly must do more than talk about the issue. It must take action, enact legislation and educate people to use plastic bags sparingly or avoid using them at all." — [Official Report, Bound Volume 34, p289, col 1].

He also said that:

"pretend politics must end. Members were elected to a legislative Assembly, not to a talking-shop Assembly that is hamstrung by mutual veto." — [Official Report, Bound Volume 34, p288, col 2].

So, when we reflect on what was said during that debate and what is being said today, it seems that perhaps the Member would be best to stop "pretend politics" and instead get serious about politics, take some difficult and hard decisions and let this enabling legislation proceed. That would then allow other legislation that is required to be adequately scrutinised, and the issue could move forward.

Last week, Mr Basil McCrea complained that we did not have a two-stage process at Committee Stage, but, this week, his party says that it demands this process. It is, therefore, afraid of debating the matter at a later point.

Mr B McCrea: On a point of order, Mr Speaker. You have repeatedly directed Members talking on this issue that the debate is on accelerated passage for the Bill, not the substance of the Bill. I do not think that the last intervention followed that direction, and I would appreciate your consideration of that matter.

Mr Speaker: Order. I thank the Member for his point of order. It is important that, as far as possible, Members stick to the debate and do not stray from it. Sometimes, it is not easy for them to do that. Members can be tempted to stray beyond the subject matter. However, let us get back to the subject.

Mr McKay: Thank you, a Cheann Comhairle. I will try to stay on the subject.

Mr Weir: I thank the Member for giving way, and I am mindful of what the Speaker said about accelerated passage. Does the Member not find it a little strange that the opposition to accelerated passage comes from those Benches? As I understand it, at the Executive meeting on Thursday, the issue of accelerated passage passed unanimously through the Executive without opposition from the parties that now oppose it. I do not know; maybe there is a lack of communication there.

Mr McKay: I thank the Member for bringing it to my attention.

Mr Kinahan: Will the Member give way?

Mr McKay: I will give way in a moment.

I thank the Health Minister for supporting this Bill going through the Executive for accelerated passage. A bit of politicking is going on here. An election is around the corner. I find it surprising that the parties that oppose accelerated passage are supposedly in favour of a plastic bag levy. It has more to do with the fact that the issue was included in the draft Budget as opposed to the actual proposals, which I find very disappointing.

That is me finished. I thank Members for their contributions. I will give Mr Kinahan the last word.

Mr Kinahan: I thank the Member for giving way. Does he agree that it was only last Thursday that we got some vital information on the Bill and, in particular, on the environmental effects of the other types of bag and their uses? Had our Minister been aware of much of the debate that we had on the same Thursday as the Executive meeting, he might have voted differently.

Mr McKay: The issue has been considered by the Assembly and the Committee for the Environment. I first went to the Committee on the issue about two years ago. There has been a perfect opportunity not only for the Committee but for individual Members to consider the issue fully, to go to the Assembly's Research Services and ensure that they were across the detail of all aspects of the matter. If Mr Kinahan is referring to the concerns that cloth bags may pose major health risks, the experience in the South shows that the use of cloth bags has not been a major health issue there. It is a bit of a red herring.

Mr Dallat: Does the Member not agree that he seldom, if ever, turned up at Committee meetings to inform us of what this was all about?

Mr McKay: Any time that I indicated that I would come to Committee meetings, I did. There were a couple of occasions on which I was not aware that the Committee had put me in to attend, but we needed time to consider further the changes to the situation in which the draft Budget included proposals for a plastic bag levy and the Executive had indicated their support. We had a series of meetings to ensure that we got the legislation right. That is what we are in the process of doing.

Mr Speaker: Before we proceed to the Question, I remind Members that the motion requires cross-community support.

Question put.

The Assembly divided: Ayes 57; Noes 33.

AYES

NATIONALIST:

Ms M Anderson, Mr Boylan, Mr Brady, Mr W Clarke, Ms Gildernew, Mr G Kelly, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Mrs McGill, Mr M McGuinness, Mr McKay, Mr McLaughlin, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Ms S Ramsey, Ms Ruane, Mr Sheehan.

UNIONIST:

Mr S Anderson, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Craig, Mr Easton, Mrs Foster, Mr Frew, Mr Gibson, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

OTHER:

Mr B Wilson.

Tellers for the Ayes: Mr Boylan and Mr W Clarke.

NOES

NATIONALIST:

Mr D Bradley, Mrs M Bradley, Mr PJ Bradley, Mr Burns, Mr Dallat, Mr Gallagher, Mrs D Kelly,

Mr A Maginness, Mr McDevitt, Dr McDonnell, Mr McGlone, Mr O'Loan, Mr P Ramsey, Ms Ritchie.

UNIONIST:

Mr Armstrong, Mr Beggs, Mr Cobain, Rev Dr Robert Coulter, Mr Elliott, Mr Gardiner, Mr Kinahan, Mr McCallister, Mr McClarty, Mr B McCrea, Mr McFarland, Mr McNarry, Ms Purvis, Mr K Robinson, Mr Savage.

OTHER:

Dr Farry, Mr Ford, Ms Lo, Mr Lyttle.

Tellers for the Noes: Mr Kinahan and Mr Lyttle.

Total votes 90 Total Ayes 57 [63.3]

Nationalist Votes 37 Nationalist Ayes 23 [62.2]

Unionist Votes 48 Unionist Ayes 33 [68.8]

Other Votes 5 Other Ayes 1 [20.0]

Question accordingly agreed to.

Resolved (with cross-community support):

That the Single Use Plastic Bags Bill [NIA 8/10] proceed under the accelerated passage procedure.

Single Use Plastic Bags Bill: Second Stage

Mr McKay: I beg to move

That the Second Stage of the Single Use Plastic Bags Bill [NIA 8/10] be agreed.

Until someone undertakes the task of drawing up a private Member's Bill or any Bill, I do not think that they can truly appreciate the significant work that goes into that, including the formulation of and consultation on proposals, and the numerous meetings and discussions with interested parties. Of course, many private Member's Bills do not complete the legislative journey, and that is often because the Member has been successful in getting a Department or Minister to adopt or progress their proposals.

I wish to start by thanking the following groups and parties for assisting me during this process: the Business Office; the Bill Office; the Office of the Legislative Counsel; my party staff; the other parties and groups that support the Bill's aims; officials from the Department of the Environment (DOE); and the Minister.

Plastic bags are significantly visible in our communities as a form of litter. The Department has indicated that over 250 million plastic bags, which are a major contaminant in recycling, are in circulation, and the public want the problem tackled. In a couple of months' time, Wales will be the latest country to introduce a levy. We are all well aware of the success of the levy in the South, and numerous other countries have also adopted that measure to great success.

In November 2008, at the beginning of the process, Cathal Boylan and I brought a motion to the Assembly calling for the introduction of a plastic bag levy, which the Assembly at that time supported. I then decided to go down the road of a private Member's Bill because previous Environment Ministers had indicated that they would not move to introduce a levy. However, to be fair, when questioned further, those Ministers did not rule out entirely the possibility of introducing a levy. I made a further presentation to the Environment Committee on the broad objectives of my Bill, before starting the process of transforming those aims into clauses and legislation.

The process was informed by meetings that I held with a number of parties, including the permanent secretaries of the Department of the

Environment and the Department of Finance and Personnel respectively. Many councils, including those in Ballymena, Armagh, Limavady, Omagh and Dungannon, responded to the consultation in support of a levy, as did other parties, including Environment Link, Tidy NI, Shirley the Baglady, the Energy Agency, NIPSA and many others.

Members will be aware that I introduced my Single Use Plastic Bags Bill to the Assembly on 6 December 2010. My purpose in doing so was to bring forward legislation that could generate a significant reduction in the number of plastic bags going to landfill and littering our streets and countryside. In addition, the proceeds of the bag levy would provide a valuable source of funding for environmental projects such as the green new deal.

Mr Campbell: At an earlier stage in the process of the Bill, the Member talked about the complex nature of some of the problems that came before the Committee. Given the process of the Bill thus far, and, after today, if it transpires that the Bill requires significant alteration of its timing, introduction or the extent of the impact that it will have, will the Member still regard it as a significant success? Although it is a worthwhile objective that we all want to achieve, the complexities that the Member referred to earlier may become so numerous that the Bill and its effect will have to be diminished considerably.

Mr McKay: I thank the Member for his intervention. He has touched upon the flexibility or non-flexibility of the Bill. We were right to introduce a degree of flexibility into the Bill to ensure that we consult fully all the parties affected and ensure that we get it right. A number of issues need to be looked at closely, including that of how we collect the levy. We could have decided to allow councils to carry out that process. However, it is important that we look in detail at how much that would cost and at whether it would be better to bring it in-house to DOE or whether it goes to another organisation. It is important that price is taken into account, because that will have an effect on the total revenue going towards the green new deal and other environmental projects.

However, the primary purpose of my Bill is to reduce the number of plastic bags in circulation. It is important that whatever revenue is generated from the levy does go towards projects that benefit the environment. As I said earlier, that view

is shared by Friends of the Earth, which believes that the revenue raised from a proposed plastic bag levy in Scotland should be ring-fenced for environmental projects. The green new deal programme is especially worthy as it will not only help to make homes more energy efficient and to reduce our carbon footprint but it will reduce household energy bills at a time when many households are struggling financially. It will also create much needed jobs.

The green new deal should not rely indefinitely on levy revenue for part of its funding. Ultimately, we want to see the revenue generated from a levy go down as consumer behaviour changes. However, in the initial period of introducing a levy, revenue will be generated, and that should go towards environmental projects. We should aspire to meet the funding requirement for a green new deal housing programme in its entirety and divert other funding streams towards that. The plastic bag proposal is only the start. The green new deal is also a key part of a jobs plan that was recently launched by a consortium of groups including NIIRTA, the IoD and the Construction Employers Federation.

After I introduced my Bill to the House, the Executive adopted the proposals for a plastic bag levy, as was announced in the draft Budget in December.

It will come as no surprise that I very much welcome that decision since it is consistent with the position that we have advocated for quite some time.

4.00 pm

I will give Members a brief overview of the Bill, summarise its key features and advise of my plans to amend it, given the fact that the Executive have adopted the proposal. As currently drafted, it includes provision for a charge on single-use plastic bags. It also requires suppliers to pass on the charge to their customers and forward the proceeds, which are to be used for environmental purposes, to the Department of the Environment (DOE). In addition, the Bill establishes offences of failure by suppliers to impose the charge or to comply with their duties under the legislation. Finally, it makes councils responsible for the monitoring and enforcement of the new arrangements in their district. That is a very brief summary of my Bill as currently drafted. However, things have moved on considerably in recent weeks since the Budget announcement.

The Department of the Environment will have responsibility for establishing the detailed operational policy in relation to the levy and for making the required subordinate legislation. In the weeks following the Budget announcement, I met the Environment Minister as well as officials from DOE and the Office of the Legislative Counsel to discuss the legislative requirements for a bag levy. As the Environment Minister and the Executive have indicated their support for a carrier bag levy, I have decided to amend my Bill. I propose to bring forward those amendments at Consideration Stage. At this stage, however, I will explain briefly the substance of the amendments and the rationale for them.

Members will be aware that the Climate Change Act 2008 already makes provision for a carrier bag charge. The Act confers powers to bring forward extensive subordinate legislation in that area, including provision for a charge on all single-use carrier bags. The Act does not, however, provide for the moneys raised by the charge to be retained by the Department of the Environment. I see merit in an approach that would enable the Department to use regulation-making powers that are already available under the Climate Change Act, so I propose to redraft the Bill to incorporate additional provisions in the Climate Change Act specific to the North.

Mr Beggs: The Member has indicated that he is already making significant redrafts to his Bill. Does he not agree that there should be an opportunity for the public and the Committee to carefully scrutinise what he proposes so that we get things right, rather than force things through at the last minute and get legislation wrong, which has the potential to harm parts of the environment rather than bring the benefit that he envisages?

Mr McKay: Had the Member been listening, he would have heard me outline the fact that legislation is already in place under the Climate Change Act. Most of the issues and concerns that parties have raised are about legislation that is already in place. The Bill will change significantly, and a handful of clauses will go through when it reaches its Final Stage. The Member should bear that in mind because the issues that he has outlined are about legislation that is already in place.

Mr McGlone: On a point of clarity, the Member is saying that the legislation is already in place as part of the Climate Change Act. However,

unless I picked them up wrong, officials, when they attended the Environment Committee last Thursday, suggested that an amendment to that Act would be required.

Mr McKay: Absolutely, but the final decisions on the price of the levy, how it is brought in and who is responsible for collecting it will be brought in under the Climate Change Act, which is already in place. The Climate Change Act will be changed to ensure that the revenue that is raised will go to the Department. That is the key element of the legislation. If that were not put in place, the levy could be introduced without the fund going to the Department of the Environment. There would be a significant shortfall in the Department's funding, which we should bear in mind.

I see merit in an approach that enables the Department to use regulation-making powers already available under the Climate Change Act 2008. Therefore, I propose to redraft the Bill to incorporate additional provision specific to the North and to the 2008 Act. As I said, a number of existing clauses can be removed from the Bill, and I will remove them on the basis that the more detailed legislative framework will be established through subordinate legislation. Such broader, enabling powers will allow the Department to conduct further research to determine precisely how to implement the charge and provide for that in regulations. For example, the 2008 Act provides for a charge to be levied on any single-use carrier bag, whether made of plastic or other materials. The Department can, therefore, consider whether a charge should be applied to other bags and, if appropriate, introduce that through regulations.

In its draft Budget response, sent to all MLAs, Environment Link indicates that it wishes the levy to include other single-use bags, not only plastic ones. There is a mixture of views, but many environmental groups have indicated that we should also look at paper bags, and so on. That should be considered by the Department before all this is finalised. I have already referred to the British Retail Consortium's view that the Bill should not apply only to plastic bags.

In summary, I advise Members that I propose to amend my Bill at Consideration Stage to confer broad, enabling legislation for a bag levy. The Department will be able to research all options for the future introduction of charging arrangements, with a view to identifying the

most effective and efficient approach. I will also be able to draw on the extensive regulation-making powers available under the Climate Change Act. Finally, the Department will have the opportunity to conduct a full public consultation on its proposals. I hope that I have given Members a broad perspective on the Single Use Plastic Bags Bill and my plans to amend it.

The Chairperson of the Committee for the Environment (Mr Boylan):

Go raibh maith agat, a Cheann Comhairle. As I mentioned in the previous debate, the Committee received a briefing from the sponsor of the Bill at its meeting on 17 February. It then requested a departmental briefing, which took place on 24 February. Committee members will fully support me in saying that we are not of one voice on this issue. Indeed, some Committee members have routinely and consistently voiced opposition to a plastic bag levy, while others have always seen the positive side of the proposals. I am sure that that difference is reflective of the House, and I have no doubt that we will hear of a range of positions during the debate.

The Committee has discussed the plastic bag levy several times over the past two years. However, in recent weeks, we have found ourselves no longer arguing just the merits and disadvantages of a plastic bag levy from an environmental point of view, because there is also now an economic argument. It is fair to say that we are discussing the Bill today as a result of the Executive seeing its potential to generate revenue. The Department stated that the anticipated windfall from a plastic bag levy is a key component of revenue generation to fund some of its environmental programmes. That relates directly to clause 2, which refers to a "Central Environmental Fund" to be established by the Department with the aim of managing revenue generated by the levy.

We are here to discuss the Bill's policy principles as introduced by the sponsor, but he and the Department have advised the Committee that the policy principles can be significantly met through existing legislation: the UK Climate Change Act 2008. However, a plastic bag levy introduced under that Act would not permit the funds collected from such a levy to go to the Department. Thus, that aspect is of critical significance.

The revenue generated by this levy, estimated by the Department to be around £4 million, has been earmarked by the Department to ensure that key environmental programmes, such as river restoration and programmes that address environmental noise and fly-tipping, to name but a few, can be carried forward from 2011-12.

The list is long and includes programmes that, if not delivered, could lead to infraction proceedings from Europe. Therefore, the Committee was understandably worried that that revenue-generating scheme is not yet in place and has no guarantee of producing the suggested amounts of funds proposed if and when it comes into force.

Some members of the Committee saw the irony in the necessity for the consumption of plastic bags to continue to fund the departmental environmental programmes that otherwise might be under threat because of budget cuts. However, we are where we are, and, as we all know, we are living in austere times. Regardless of the use of the levy that will ultimately be generated, the Bill has an intrinsic environmental benefit: namely the reduction in the use of environmentally harmful and unsightly plastic bags.

The House recently considered the Clean Neighbourhoods and Environment Bill and has approved actions to address litter at local council level. The Single Use Plastic Bags Bill should be seen as a contribution to achieving clean neighbourhoods and healthier environments, not solely as a tax to plug holes in the Department's budget. No area is unblemished by the absence of plastic bags. Indeed, according to the Department, in 2009-2010, 189 million single use plastic bags were handed out by the major supermarkets in the North. That means that every person here used almost 100 plastic bags during that period. However, the initiatives taken by the supermarkets to reduce plastic bag consumption should be acknowledged, be it by awarding customers with loyalty points or encouraging bags for life, which most large retailers provide for a nominal cost and which can be used again and again. The Minister highlighted that last September at the beginning of Need a Bag? week.

I know that Mr McKay's intentions are focused on the primary environmental benefits of the Bill and that he considers any other benefit to be secondary. It is supported by those who see the

benefits that it will undoubtedly bring. However, some members are increasingly concerned that it is more like a tax. I hope that I have been able to outline the pros and cons as the Committee has seen them during its deliberations on the Bill. Members have already asked questions of the sponsor of the Bill and of departmental officials. A lot of work still has to be done on the Bill, and a lot of questions still have to be answered. As I mentioned earlier, that resulted in misgivings about rushing the legislation through the House. As the Committee is split on the Bill, I cannot give a definite Committee position on it.

With your indulgence, Mr Speaker, I will say a few words as a Newry and Armagh MLA, Sinn Féin member and supporter of the Bill. I want to pick out a few elements. The sponsor clearly outlined that there is work to be done, but any of us who has been involved in a Bill going through the House knows that secondary legislation flows from primary legislation. Mr McKay stated that there will be some issues with that.

However, the broad principle of the Bill is to introduce a levy, which I support, and that levy should try to deter people from using plastic bags. The other environmental benefit was clearly outlined by the sponsor. We need to strike a balance. Through different legislation, we have had to introduce fines, and there needs to be a balance between the levy and deterring the use of plastic bags. I welcome that part of it.

Mr McKay then talked about an issue that the Committee was not aware of: the actual transfer of the moneys when we generate funding through this measure. He clearly outlined that issue, which is a key element. During the Committee debate, some members clearly outlined that and were concerned about it. However, there is a shortfall in the Budget for the years 2011-15, and we need to look at ways of trying to bridge that gap and tackle environmental issues. The two main elements of the Bill are the introduction of the levy and how we collect and use it. So I support the sponsor of the Bill and its Second Stage.

Mr Kinahan: I am pleased to speak once again on the Bill, and I congratulate Daithí McKay on it. It has the right idea but goes about it in the wrong manner. He said that Friends of the Earth are behind the Bill and hinted that the Northern Ireland Environment Link and others are behind

it. I have yet to see the detail of those groups being behind the Bill exactly as it is now.

I go back to the point that it is the right idea being done in a shoddy way without proper consultation.

4.15 pm

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

Mr Beggs: Will the Member accept that, given that significant changes are already under way, it is highly unlikely that those who may have indicated support for the Bill will know what is ahead of them and that they may well change their view?

Mr Kinahan: That is an extremely good point. By putting the Bill through accelerated passage, a whole mass of people who should have had a say on the Bill and who should have been able to guide us will no longer be able to have their say.

The Ulster Unionist Party —

The Chairperson of the Committee for the

Environment: I thank the Member for giving way. In light of what the Member's colleague asked, will he recognise that the broad principle of the Bill is to introduce a levy and use that levy properly? That is what we are discussing today. The Member has been on the Committee with me as we have gone through a 248-clause Bill and agreed a Committee report. We are relying on secondary legislation for that Bill. Will he respond to the point that the broad principle of this Bill is the introduction and distribution of a levy?

Mr Kinahan: I thank the Chairperson of the Committee for that point. I agree with the Bill's broad principles, but, today, it appears that what is being called secondary legislation will be nearly more important than the primary legislation, which will make the Bill itself secondary. The Bill does not deal with the matter properly by having good consultation.

As I have said before, the Ulster Unionist Party is not against the principles of the Bill; we just have enormous concern about how it is being put in place. As with all Members, we want no plastic bags — none — to litter our countryside. That is where the idea behind the Bill is right. We want better education for everyone on the reuse of bags and recycling, and the Bill does not go into that. If the Budget is accepted, we want the more than £4 million that will be raised

from the proposal to fund properly the six areas in the departmental environment work, such as water quality, fly-tipping, marine matters, noise and so on. We want the Bill to work, but, if you think —

Mr McKay: Will the Member give way?

Mr Kinahan: I am happy to give way.

Mr McKay: The Member raised issues that he believes should be included in the Bill, including education on recycling. Those issues should be and are pursued by the Department and others. When I originally consulted on the Bill, I sent a letter to every MLA, and the Member did not respond to raise those issues with me.

Mr Kinahan: I thank the Member for the interruption. I do not remember seeing any letter. The details of the Bill, with the proper arguments on how the Bill affects the environment and many of the other matters, really got to us in the current format only last week.

The Ulster Unionist Party supports the idea of the Bill, but it is not being properly consulted upon, and the process is cutting out all the people who should have a say. The Assembly works at its best with proper scrutiny and advice from all of the outside agencies and stakeholders. We are skipping through that.

The very worst side of what the Bill is trying to cure is the problem of the blue plastic bag, which chokes seagulls and is coughed up by farm animals. That leads on to black bin bags that are dumped in sheughs and in rivers. We want an end to rubbish around the countryside, but we do not feel that the Bill is doing that in the best manner.

I am grateful to Library and Research Service staff for the notes that they have given us. I propose that we adopt the Danish system, where the levy is enforced on retailers when they buy the bags rather than on the final consumer. That, therefore, leads to the costs being absorbed throughout the business rather than being put straight on to the consumer. It is good to know that, in Denmark, the use of plastic bags has gone down by two thirds, but that is all the information that we have. There is a mass of more information on the Danish system that we need, because I am sure that the Member would agree that, if that system works better, that is the route we should go down.

The Scots voted against it, and the Welsh have now adopted it, but we need to see it in more detail because they too were against it initially. We are against the lack of consultation. We have been told today in many cases that the Bill will change substantially, so why on earth bring a Bill in now when it could be brought in early in the next Assembly. It could be in place by September in a manner that we all support.

We have talked of many redrafts and of lots of questions yet to be answered. We know that major change is coming, and the definition of the single-use plastic bag may change. It may become a paper bag or it may become more than a single-use bag, but, with each of those headings, we need to consult properly. We need to know the effects on the environment and on businesses. One person who produces bags told us that, in the way that it is coming at the moment, 450 jobs are at risk. We cannot afford to put more people out of work at a time when there are no jobs. We also know the pressure that it puts on the environment and on councils. One of the changes being talked about is the 15p charge. We would like to know more about that. If people were to be charged 5p, 10p or 20p, what effect would it have not just on the Northern Ireland Budget but on the environment and the economy? We want to know more about a great deal of things.

We accept that there needs to be changes in the Bill from the central environmental fund, so that we can work through climate change, and we look forward to seeing that. However, we also need to know more about suppliers' duties, details and how it will all be put in place. It is all very well saying that we could use a receipt or invoice system or pay the levy within 28 days. Those are all easy things for a big company to do, but it will add to the cost of business for a sole trader who does not have good computer systems or lots of people to help him. At a time when VAT is higher, national insurance is higher, and fuel costs are higher, it could be the killer blow to many businesses. From listening to the radio this morning and from the lobbying that went on over the weekend, we know that NIIRTA is totally against the Bill. If the small retail trade world is against it, surely we have got it wrong.

Mr McKay: The Member referred to the fact that NIIRTA is against the Bill, but that does not mean that every single retailer is opposed to it. I have come across a number of retailers who are supportive of it. Indeed, when the levy

was introduced down South, Feargal Quinn from the Superquinn group was totally opposed to it, but he realised that his fears were unfounded, and he is now a great supporter of it. So, I understand that there are concerns, and we should work to address those concerns, but most retailers in the South have found that the levy has had either a positive or neutral effect on their livelihoods.

Mr Kinahan: I thank him for that information. It is strange information —

Mr McGlone: Will the Member give way?

Mr Kinahan: Yes.

Mr McGlone: I hope that the Member to my right is not suggesting that NIIRTA is not representative of small businesses and shops right across the North. I have been taking various soundings from businesses and shops across the North, and they have told me that they want more time to talk the thing through, to listen to what is happening and to see how it could work. If you go down the streets in the likes of Dunloy, Rasharkin or Ballymena, you will probably hear similar views. You might hear mixed views, but if the people in those areas are anything like the constituents who I represent, which they are, I suggest that you will hear similar views.

Mr McKay: I met Glyn Roberts from NIIRTA to discuss those issues, and he is aware of retailers who support the levy. So, there is a mixture of views out there, and that should be taken into account.

Mr Kinahan: Thank you for the various questions. However, it still comes down to the basic point that, if NIIRTA was willing to go on the radio on a Monday morning, its reading of the situation is that the bulk of its supporters are against it. Many people will see this Bill as something that will work, but we know that a lot more consultation is needed.

I will move on to the Bill's effect on councils. The intention in clause 4 is to put a lot of the work on to councils so that they are the monitoring and enforcement body. Now we are told that that, too, might change. We desperately need to make sure that we consult the councils. We already know from most of our other work on the Environment Committee that the councils are under huge strain. They lack resources and need training and much

more guidance on where they are going. That is particularly true when we consider the potential legal complications of enforcement. Councils need to know a great deal more, and we need to consult them in particular.

The clauses on offences and the schedules are relatively straightforward, and schedule 1, in particular, is filled with what I would call the road to good intention: promises and promises. It states the intent to “assist, support or promote” a “reduction of waste”. Don’t we all? Schedule 1 also refers to establishing and equipping the operation to improve reuse and recycling. It contains masses of good stuff. However, the legislation deals with an enormous area, and we need to consult and ensure that we get it right, rather than pass an enabling Bill only to find that all councillors and councils react against it when they realise that they did not know what was coming down the line.

We need to know the costs involved and what resources will be made available to the councils. Last week, for example, I had a meeting about a different but related matter connected to the Welfare of Animals Bill. Each council is due to receive from the Department of Agriculture and Rural Development (DARD) some £29,000 or £30,000 to deal with the consequences of that Bill. However, a single Mallusk-type incident involving a load of horses results in a bill of £100,000. The councils want to know what the baseline is and where they will get resources from in future, particularly when they have yet to decide on the review of public administration (RPA).

I am grateful to staff from Library Service for all their work on the effects on the environment of such legislation. From the experience in Ireland, we know that the passing of a similar Bill increased the use of black bags, which are the worst for the environment. The use of paper bags also increased. As we know, the volume of paper bags is much higher, and, in this case, they were four times worse for the environment because of the increased transportation, petrol, fumes and all that goes with that. A paper bag cannot be reused. Once it gets wet, it is rotten. We also know from the report that there are such things as biodegradable plastic bags. However, when we look into the detail, those must be allowed to degrade in the right conditions, which are unlikely to be put in place. I return to the point that the Bill tries to do the right thing in the wrong way.

Another alternative is the cloth reusable bag. In our briefing, we were told that cloth bags were good and that we could make and use our own but that their active microbial habitat, which means that they breed germs, was unhealthy. However, that was another one-liner. I wanted to know more. I want to receive a proper brief so that we know which bags to encourage the public to use.

Mr McKay: Second Stage is about the broad principles of the Bill and whether parties support them. The Member said that he supports the aims of the Bill. However, from the arguments that he outlines, it sounds as though the Ulster Unionist Party is totally against the principle of any form of levy on plastic bags.

Mr Kinahan: I do not think that the Member is listening to me at all. He must have dozed off at points in the middle of my contribution. We like the idea of the Bill. The key point is the lack of consultation. Accelerated passage means that there will be no consultation, so the Bill will go through as a shoddy job.

The Ulster Unionist Party wants the tax and levy to work. We want the £4 million to be made available so that we can move on and deal properly with environmental matters. We want the repatriation of waste that is illegally dumped around Northern Ireland. The bills for that are enormous, yet the Bill aims to raise only £4 million. We want quick, efficient action on illegally dumped waste and the stopping of fly-tipping.

Again, if finance is not available for that, the problem will fester and get worse. My party wants to see proper mineral mapping and planning of extraction of minerals so that one extraction does not spoil another. We want to ensure that that is done sustainably. Why do I raise those points? I raise them because they are the key areas that are to be financed by the £4 million. We have got to get the Bill right. It has to protect the environment at both ends.

4.30 pm

From both Europe and the UK we need to have a proper programme of work to protect and develop the marine environment in a sustainable way. We also know that we want total compliance with the environmental noise directive. The Bill is meant to pay for all those things, yet we are determined to put it through shoddily. Finally, on those issues, my party

wants to see an improvement in water quality and the ecological status of all rivers. I always raise the issue of the Sixmilewater river, which has now been polluted some five or six times. We want to help fishermen. We want to help wildlife. We have got to get the Bill right and put it in place.

We in the UUP want to see all of that happen properly, with discussion and proper consultation, so that the Bill is effective. There is a sneaking suspicion that a Sinn Féin/DUP deal is going on here. We know that many DUP Members are against the Bill, yet half of them are not in the Chamber. We see a Bill that is not being put through the House properly and in the right way. If the Bill were brought back at the beginning of the next Assembly and went through proper consultation, it would be written, finished, introduced and working by September. We oppose the Bill.

Mr Dallat: If, as the previous Member suggests, there has been some kind of deal, then someone has bought a pig in a poke. The Bill has changed so fundamentally since it first appeared in the Committee for the Environment's papers that it is unrecognisable. Earlier, I was critical of Mr McKay for not being at Committee meetings frequently to brief us on the Bill. In fact, the Bill has changed so much that it really would have made no difference if he had been there.

The 15p charge seems to have disappeared completely. I am, probably, relieved at that because, as the Member who spoke previously said, the original intention was to raise money for environmental protection issues. I worked out that, at 15p per bag, around 3.8 billion bags would need to be put into circulation to pay for the environmental work that needs to be done to riverbanks, to create a strategy for the environment and so on. Therefore, from that point of view —

The Minister of the Environment (Mr Poots):
Will the Member give way?

Mr Dallat: I will in a second. I am sure that the Minister will have every opportunity to reply. Let me get started at least.

The Minister knows fine well that I am very much against landfill sites, particularly the one that he approved in my constituency recently. Therefore, I am in favour of anything that stops material going into landfill sites. To be honest, when I was outside the debating Chamber,

I read a rather interesting article that was produced by Belfast City Council, which stated that something like 1.5 million disposable nappies, which are made of plastic, of course, go to landfill sites every day. It takes one cup of crude oil to produce one nappy. During the nappy-wearing years of a child, five large trees are chopped down to produce the pulp for his or her nappies. Therefore, we all have a role to play in environmental issues. Certainly, my party —

The Minister of the Environment: Will the Member give way?

Mr Dallat: I think that I might have to give way, rather than listen to the chat across the Chamber. I will give way in a second or two, of course, Minister. Settle yourself down, there. You will be all right.

Mr Deputy Speaker: The Member should know fine well that all remarks should be addressed through the Chair.

Mr Dallat: I know that I am not allowed to rebuke you, Mr Deputy Speaker, but I did not start it.

It is a serious issue. When it is properly discussed and debated, the proposer of the motion will find that my party will back a realistic proposal and Bill enthusiastically. The current Bill is deficient in so many ways that it would be irresponsible to back it. It would not be in the interests of the wider community, who are waking up to the environmental problems that we face. I will give way to the Minister, because I would not want to spoil things.

The Minister of the Environment: I thank the Member for giving way. I do not know about the mathematics of it all, but 190 million bags are used currently. If we had a 10p levy, for example, and the usage did not decrease, we would raise £19 million. If usage reduced by 75%, we would raise close on £5 million. Although that would not resolve all the issues, it would make a contribution to resolving issues. I do not know how Mr Dallat arrived at the necessity for 3.8 billion bags. It is a bit of an exaggeration.

The Member also mentioned nappies. I do not think that we are going to introduce a baby ban, and I am not sure whether the Member has anything in common with nappies.

Mr Dallat: I have qualifications in mathematics. I gave way to the Minister, but I am surprised that he raised the issue, since he does not

even know how the money that was promised in the draft Budget for spending on environmental issues could be raised. It has been promised that £4 million will be made available to look after the environment in the next four years and that all of that money will be raised from plastic bags, but we do not know who will raise it. I know that somebody scurried off to talk to Revenue and Customs, but it did not know a thing about it. Then the poor old local councils were approached. Perhaps they would send round the bin men to collect it; I do not know. The mathematical equation that has been queried is totally superfluous, because we have no idea how the money would be collected.

We will support any Bill that is realistic, credible and properly scrutinised. People in the outside world believed that they were voting for an Assembly that would be democratic and would discuss issues with people, particularly the small shopkeepers who were mentioned earlier, who are on the breadline and are struggling to survive the onslaught of the large supermarkets. They should have had a say in this, but they have not. That kind of democracy frightens the wits out of me, and it frightens people in the outside world who believe that we have got a kind of empire here that does not feel the need to discuss even the simplest of issues, such as plastic bags. That is scary; I want no part of it. I will back a plastic bag tax, of course.

Mr Weir: Are you not running again?

Mr Dallat: Peter, I have finished. You will get your chance to speak. There are little cards over there; you can put down your name if you wish to speak.

Mr Weir: Will the Member give way?

Mr Dallat: For you, Peter, yes.

Mr Weir: I note that the Member indicated that he wanted no part of this, and he referred to this tarnished democracy. I presume that that means that he is not going to run again for the Assembly.

Mr Dallat: I am delighted that Mr Weir has given me the opportunity to announce that I am a candidate for the forthcoming Assembly elections.

Mr Lyttle: I start by agreeing with Mr Dallat. For some unknown reason, we have moved to complicate what should be fairly straightforward legislation and have tied ourselves in knots.

With regard to what we have seen today, I will call a spade a spade. It is not uncommon, but it is a gross irony that the Democratic Unionist Party, which is supposedly opposed to the Sinn Féin strategy, is singlehandedly fast-tracking a Sinn Féin private Member's Bill through the House in time for the Assembly election in May. That is a strange development.

Let me be clear: the Alliance Party is a firm supporter of the principle of environmental protection and any legislation that will encourage greater reuse or reduction in the use of plastic bags. However, my party opposed the accelerated passage of the Bill. I share the concerns of other Members on the level of scrutiny that the Bill has had and on the fact that it was blocked from full consultation and evidence gathering earlier today. As another Member has mentioned, evidence gathering from small and medium-sized businesses in this community, which the DUP and Sinn Féin regularly claim to represent, was blocked.

Mr McKay: I do not know how many times I have to say this: when the Bill is in place and the regulations are carried out, the impact that it has on small and medium-sized businesses will need to be taken into account. I fully recognise that, but, when the price of the levy has been put in place and the system to collect the revenue has been put in place, it will be put through in regulations under the Climate Change Act 2008, which has already been put through, so that is not going to be included in the Bill. There will be a full consultation with all those parties over the coming year.

Mr Lyttle: I thank the Member for his intervention. I think that just creates more confusion about why it could not go through the normal consultation processes of the Assembly.

Mr McKay: Will the Member give way?

Mr Lyttle: No, I am not giving way; I will move on.

The Alliance Party has long held the view that a levy that is clear in its remit and encourages the reduction of plastic bag use would be a positive development, but we have concerns about certain aspects of the Bill, not least the confusion that it has caused among local traders, despite what the sponsor has said today.

Although voluntary bag-for-life schemes introduced by many retailers have worked and reduced the number of plastic bags used, evidence

has shown that a levy could go even further to reduce our use of plastic bags. Indeed, a University College Dublin (UCD) review published in 2007 found that the Irish decision to introduce a 15 cent tax on plastic shopping bags has led to a reduction in use of approximately 90%. The system also found ways to keep administration costs low, at approximately 3% of revenues, as it integrated reporting and collection into existing VAT systems. The response from the public and the retail industry was therefore largely positive. Indeed, many retailers found that they were making significant savings as a result of the levy.

Crucially, however, the UCD study found that extensive consultation with the public and retailers was central to the usefulness of the policy. As my party supports the levy, I therefore welcome the fact that the sponsor has clearly stated today that the Bill will take heed of the significant and substantive concerns raised by members of the public and the business community and will take those into account to improve the clarity and provisions of the Bill.

Obviously, the long-term aim of the policy is to reduce plastic bag use, which will eventually negate its revenue raising potential. However, in the meantime, if funds can be raised, I would welcome their redirection towards the green new deal, particularly the housing insulation schemes, which could provide much-needed jobs for construction workers at a difficult time and help to tackle fuel poverty among the most vulnerable in our community.

Mr Savage: I have serious concerns about the Bill. How can one define a single-use plastic bag in comparison to a multi-use plastic bag? Like many in the House and many householders across Northern Ireland, I reuse the plastic bags that I receive from purchases made in supermarkets or the corner shop, for example.

The reality is that, no matter how one considers the matter, it is another form of taxation, and one that will bring an added layer of bureaucracy for small businesses and independent retailers. Those independent retailers across Northern Ireland are already bound by more than enough red tape, and they will face additional costs, as there will be something extra to be audited, along with the cost of preprogramming their tills. It is my view and that of my party that extensive consultation on the matter is necessary to allow

all key stakeholders to have their say on this important issue.

The impact of plastic bags on our environment is a matter on which all sides of the House share real concerns. The question remains as to how best we address the issue. I suggest that, without consultation, the issue will not be dealt with properly. We ought to have an in-depth examination of the costs surrounding the Bill. How much will it cost the Department to establish, maintain and audit the proposed central environmental fund?

4.45 pm

A lot has been made about a deal between two parties. I do not care whether a deal has been done between two parties. This issue is of major concern to us all. There is also the matter of what the Bill will cost in administration, manpower and jobs and for local councils to police. Those issues remain unanswered but need to be addressed urgently and would inform the consultation that ought to take place.

Consideration also needs to be given to the indigenous industries that manufacture plastic bags. Two are based in my constituency, and they contacted me to voice their concerns. They want to have a conversation. They do not want to dictate; they simply want their point of view to be listened to and taken on board. With that in mind, I reiterate the need for full, external consultation, because the Bill has wide and far-reaching implications for the Department of the Environment, councils, businesses and householders across Northern Ireland.

I am concerned that the Bill is being promoted as a green initiative. Plastic bags account for only 0.3% of landfill waste and minimal amounts of roadside litter, most of which comprises bottles, cans and fast food packaging. Polythene bag production also uses much less energy than alternatives such as paper and requires significantly less transport and storage. Carrier bags can be produced with 70% less plastic than 20 years ago due to thinner materials that are still strong and durable. Why penalise an industry that has achieved massive resource minimisation and has an excellent recycling record? Degradable and biodegradable polythene, as well as recycled polythene, offer good alternatives. If the levy is genuinely aimed at promoting environmentally friendly practices, why are those excellent alternatives not being considered as exempt from the proposed levy?

I also seek clarification on the definition of "single-use plastic bag". Statistics show that 80% of people reuse plastic carriers, so they cannot be deemed as single use. Banning them will simply displace demand onto other types of bags.

Until full and detailed consultation is carried out on the Bill, neither I nor my party will be in a position to support it. The two firms in my constituency employ more than 30 people and have grave concerns about the outcome of this debate. Jobs are jobs, and we have to think seriously about that.

Mr Beggs: Will the Member agree that the speed with which this legislation is coming through does not allow manufacturers and retailers to look at alternatives and to plan ahead to introduce those efficiently? There are huge dangers in introducing such legislation with such speed.

Mr Savage: I want to see this legislation go through but in a proper manner. Those businesses in particular, only two that I know about, want to work with the Committee, but they want time to convert. Mr McKay raised other issues that are minor and trivial. We could be lumbered with the decision we take today for many years. I hope that Members will give those points due consideration.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. It has become increasingly clear that the one thing that is absent from the legislation is clarity. The more talk there is about the Bill, the more that clarity is diminished.

The SDLP is deeply committed to the environment. It is deeply committed to seeing clean neighbourhoods, deeply committed to seeing graffiti dealt with and deeply committed to seeing discarded plastic bags being cleaned up. All are such an assault on the countryside and the environment. However, given how the Bill is being dealt with today, it is little wonder that small businesses are asking what is going on. When there is such distinct lack of clarity, it is little wonder that Friends of the Earth is saying something similar.

Even though the Bill is being trundled through using accelerated passage, there is not one DUP Member behind the Minister. From speaking to some of those Members, I know that they have genuine concerns. The same concerns are being relayed to them by retailers and small

businesses over the haste with which the Bill is being progressed as are being relayed to us.

A number of issues have come up, but a multitude more probably still have to be discussed. Those issues should, as colleagues have outlined, have been dealt with in the proper manner. For example, the Bill should be there to write its aims out of existence. Is it being treated as a Bill to tackle environmental issues, or is it being treated as a source of revenue? If it is being treated as a source of revenue in the draft Budget, as the Committee heard on Thursday, there could be issues for the EU. Has that been factored in or even considered? No, it has not.

HMRC has been referred to. After Thursday's Committee meeting, it was apparent that we still did not know how such a levy should be lifted. Would it be lifted or collected? We heard a tantalising amount about how the levy would be enforced: the duty will be handed over to councils. What will be the extra cost to ratepayers? That is the nub of the issue and why the Bill should have been properly consulted on. That is why the Committee should have been dealing with the Bill and why a host of stakeholders should have been invited to give their opinion, from Friends of the Earth to NIIRTA, from small businesses to retailers and small shopkeepers who have as much right to have a voice here today as anyone else. Those people should have been given the opportunity to discuss and listen to the arguments about the Bill as it goes through its legislative stages.

Listening to Mr McKay as he moved the motion, I was not sure whether it was his Bill or the Department's Bill. I am still unsure, which probably explains why we have such a distinct lack of Members present. I am speaking because I am concerned that what is happening is a recipe for bad legislation: improper scrutiny; not listening to the issues; and not readjusting our position to adapt the legislation to address the concerns of people in the community who have a deep interest in getting it right. Those of us who are concerned about the Bill want to see, as we always do, legislation that has been got right and adapts itself to the needs of the community, which, in this instance, are environmental.

People have to be and should be listened to. When I go home today, a shopkeeper may ask me what happened today. All that I will say is that a Member stood up and, with the support of

the DUP trundled through accelerated passage of a Bill on a levy for plastic bags. The shopkeeper will ask me for more details, but I will be unable to give any more detail because the Bill has not gone through the proper process.

An analogy of the situation occurred to me earlier. It is a wee bit like buying a car from 'Auto Trader' based on a blurred picture, without knowing the mileage, without knowing what shape it is in, without knowing its condition and without knowing its price. That is the only analogy that I can think of. Forgive me, but I am probably showing my roots as the son of a garage man.

I have highlighted issues with the Bill. We should be looking forward to more detailed scrutiny of the Bill, but it is clearly not there. For whatever reason, the Bill is being trundled through the Assembly. I hope that we will not have to live with the consequences of the Bill. We do not want bad legislation going through the Assembly. Indeed, the reason why we had devolution in the first place was to prevent bad legislation that was not consulted on and did not listen to the views of the communities that we represent. Thank you very much, Mr Deputy Speaker, for affording me the time on that.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. It is an interesting debate, and Members have come at it from different perspectives. I have always supported a levy on plastic bags, and I pay tribute to my colleague Daithí McKay for persevering with his private Member's Bill.

We must focus on the reasons why we are targeting plastic bags. One of the main reasons, which other Members touched on, is the littering of the environment and the cost to councils in cleansing that litter and the damage to our rivers and waterways. During a previous debate on the Waste and Contaminated Land (Amendment) Bill, the contamination of recycled material was also discussed as a major problem, and it was suggested that the Department needed to do more to help to eradicate that problem. However, the Members who raised that issue are now criticising the levy on plastic bags, which will ensure that we have better recycling.

Members discussed the impact of the Bill on small businesses, and I agree with where they are coming from on that. We need to consult small businesses and take their views on board. However, there was consultation on the issue

through the Committee for the Environment, going back a couple of years, long before I became a member of it. There are models of good practice in the South of Ireland, where a plastic bag levy is in place. If there are any measures that we need to improve on, we have the opportunity to do so.

Sinn Féin lobbied throughout the current mandate for a plastic bag levy. Indeed, even before this mandate, I lobbied Angela Smith, the then direct rule Minister with responsibility for the environment, which gives Members an idea of how long we have been talking about the issue. We have a good understanding of what is required by the legislation, and the regulations that will be introduced at a later date will ensure that we have good legislation.

We want to reduce the number of plastic bags that go to landfill and litter our streets and countryside. Visitors here cannot believe how dirty our countryside and our rivers are. We have to decide who takes responsibility. Councils are not responsible for removing plastic bags from rivers. The Bill deals with an issue that cuts across all Departments and can ensure that the experience of locals and visitors will be improved. It will also improve the tourism sector and the experience that we provide.

It was always my view that any levy that was introduced must be ring-fenced for environmental projects. There is a clear rationale for that, and there should be a return for schools, community groups and others who carry out those projects. The proposal that we have here is the green new deal, which is a worthy environmental project in its own right. That will see more homes being made energy-efficient, and it will tackle fuel poverty and provide a stimulus for job creation, which is important at present.

There is a need for exemptions in the Bill and in the regulations. Many have lobbied me on that issue and made good arguments about why they want to be excluded from the levy. Those who lobbied me include owners of shops that sell vegetables, fish or meat.

Dog-fouling bags, nappy bags and bags for medical or pharmacy products could also be exempt.

5.00 pm

Members have talked in great detail about what we should use instead of plastic bags. I

do a bit of shopping every now and then, and I shop in many stores, including Lidl. Lidl stores leave a supply of boxes for customers to use to take their produce home. You would not even think of buying a plastic bag from that store. It is a proven method of shopping that is carried on throughout Europe. People are not up in arms about it, and they still use those stores. There are models of good practice, and, if the alternatives are there, people will use them.

As I have said, we can look at reusing boxes and using foldable plastic boxes. However, the cloth bag would probably be the preferred option for many shoppers. There will be no cost involved for shoppers. If they do not wish to obtain a plastic bag, they do not have to. Customers will take a reusable bag when they go shopping. There will be no cost to businesses, and there will be no cost to the consumer. The levy in the South has been a massive success; as other Members have said, it has reduced the use of single-use plastic bags by 90%.

Government and the Department must prepare the public, and there must be support for an advertising campaign to make the public aware of the alternatives well in advance.

Mr Beggs: Does the Member not agree that a much better way of preparing the public and giving information would be to hold Committee hearings, where the evidence could be presented in public and published on the Internet? Everyone will be educated in that process so that we can collectively come to the best decision, rather than bypassing the Committee.

Mr W Clarke: I thank the Member for his intervention. Lengthy consultation was carried out, and the issues have not changed from one or two years ago. We face the same issues today.

Mr Weir: Does the Member agree that, whatever the merits or otherwise of the Committee Stage, if it is an issue of creating publicity for the general public, Committee hearings in public are not necessarily the main device for that? After all, they are followed by dozens of people.

Mr W Clarke: I certainly agree with the Member.

Reducing the expenditure of providing plastic bags will make savings for businesses. If we were to go down the route of looking at cloth and reusable bags, it would also give retailers a unique opportunity to brand their shop, as people would be carrying their bags about.

The big supermarkets provide their own bags and have done that very well. Therefore, there is nothing to stop independent retailers doing the same and using it as a good marketing opportunity.

Mr McKay: I thank the Member for giving way. We touched earlier on the fact that the levy has been a big success in the South and that many small businesses there welcomed it. The Chambers of Commerce in the South certainly welcomed it. When the Southern Government carried out a survey, retailers informed them that the additional costs of setting up a system were less than the savings from the purchase of bags.

Mr W Clarke: I thank the Member for his intervention. Daithí McKay referred earlier to the fact that the Department was considering placing a levy on bags made from other materials, namely paper.

That should give a bit of comfort to Members who spoke earlier to voice concern about the high levels of energy consumed in the manufacture of paper bags. Members on these Benches called for a levy on paper bags as well. That will be discussed at the next stage of the Bill.

Members talked about the voluntary approach, but it is not working and we see no evidence that it helps to eradicate the nuisance and litter caused by plastic bags.

In conclusion — you will be glad to hear, a LeasCheann Comhairle — taking a reusable bag to the shops will become as natural as taking a coat, keys or a wallet. Boylan will not be taking his wallet. He may take his wife's handbag. When you go shopping, to take a bag with you will be as natural as putting on your coat. It provides an opportunity for each council area to launch a competition to design cloth bags. It could be introduced through schools, to raise awareness of the issue at that very local level. We spoke last week about educating young people at an early stage with regard to litter. It is a good opportunity that we could use.

As George Savage said, it is important that we consider how we support people involved in the business of manufacturing plastic bags. They will have to be supported to diversify, and be supported by the Department of Enterprise, Trade and Investment to look at new markets. That has to be done and I agree with it.

However, there are huge opportunities in the making of reusable bags.

John Dallat talked about nappies. We will not go into that now. He spoke about levies. Perhaps we should consider a levy on having babies, or maybe just a sex tax to reduce the numbers of nappies going to landfill.

I support the Bill.

Mr Boylan: On a point of order, Mr Deputy Speaker. Will you make a ruling as to whether it is acceptable for the Member who last spoke to refer to me refusing to take my wallet when shopping?

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

Mr Beggs: I declare an interest as local government councillor. Therefore, I have interests in the collection of litter, much of which consists of plastic bags, and in the responsibilities and functions of district councils to monitor this situation and the cost implication of that for councils.

Earlier, Mr McKay indicated that it was important to get the legislation right. However, it appears already that the published Bill is about to be dramatically rewritten. That does not fill me with confidence. That such a significant change could happen so quickly increases the risk of getting things wrong. In addition, we are told that it is essential to get this legislation through by accelerated passage. However, the Committee Stage is important in ensuring that things are got right in any Bill. Difficulties can arise; issues can be drawn to Committee members' attention; and it is much better to get them sorted before the legislation is enacted. However, it is now decided that that is to be bypassed. When all that happens, when there is no detailed scrutiny, risks increase.

I have taken part in numerous clean-ups and, frequently, plastic bags are the most apparent problem. Therefore, any legislation that will have an effect in reducing the number of those plastic bags should be welcomed. I have not only taken part in clean-ups on land with community groups; I recently assisted Marine Conservation Society volunteers in a beach clean-up, where we discovered some plastic bags being washed out to sea. Plastic bags are not only a problem in our hedgerows, but in our waterways and on our coastlines. Plastic bottles

were the most evident pieces of litter that were being found on the beach.

Earlier today, the Minister of the Environment quoted me saying that action, rather than pointless motions, was required. I stand by those comments, but it is vital that we get things right. I wish that the Minister would follow his own manifesto and get things right. There is a great danger in not getting things right by proceeding along the way in which he seems comfortable to go. As I said earlier, bypassing the detailed Committee Stage may allow huge risks to occur.

I also have concerns about a number of cost implications that will flow from the Bill. I do not have a clue about the unpublished amendments that have yet to be presented. All I can base my comments on is the hard evidence that I have. There is a proposal to introduce a tax of 15p a bag. Where did that figure come from? I note that, in some of the research from the Assembly Research and Library Service and in other information provided to me, there is evidence of dramatic change in customer behaviour as a result of much smaller levies. A 5p charge for bags in IKEA resulted in a 95% reduction in the use of plastic bags and a similar charge by B&Q resulted in an 85% reduction. Very significant changes in behaviour can occur with much lower levels of tax. There has been no opportunity to probe or test where the 15p charge came from, and on the surface, it appears to be excessive. Given the evidence that we have received, it seems that it does not need to be as high in order to bring about a change in behaviour by consumers. *[Interruption.]*

The administrative costs associated with the scheme will pose considerable risks for smaller retail outlets. There is a huge area of uncertainty there and a lack of detail. The Committee has not been able to dig through that.

Mr Deputy Speaker: Order. Time and time again we have to raise the issue of mobile phones and the effect that they have on the recording equipment. I ask the Member whose phone is on to switch it off.

Mr Beggs: As I was saying, there is an unknown cost, particularly to smaller retail outlets. I am sure that the larger supermarkets may already have a button in their tills that is linked to a computer system, which allows them to deal with the issue with no administrative cost. However, what will be the cost to smaller retail

outlets or corner shops, which are already at considerable risk? We are already aware that smaller shops are closing because of the pressures from supermarkets, and this is an added burden. Those shops will have to have some way of charging customers individually and recording those charges. What will be the set-up and associated ongoing costs? No evidence has been presented, but we are being asked to buy into this scheme without any detailed scrutiny.

There will be a cost to councils, which will have to monitor the scheme. Again, I do not have an awful lot of detail on that. The evidence that was given in relation to the Environmental Levy on Plastic Bags (Scotland) Bill provided some useful background as to what might occur. That evidence included some very useful information, which I would like to draw to Members' attention. That Bill was subsequently withdrawn, because it was recognised that there were problems with it. It proposed a 10p levy, and even though it was recognised that there were problems with a 10p levy, the Single Use Plastic Bags Bill proposes a 15p levy.

One of the biggest problems with any legislation is the issue of unintended consequences. This Bill has huge risks of unintended consequences. Earlier, my colleague indicated that there may be unintended environmental consequences. This type of Bill could also have the unintended consequence of adversely affecting small and medium-sized retailers and less well-off families, who tend to use more single-use bags.

5.15 pm

In Scotland, it was thought that the plastic bag levy would lead to competitive disadvantage. Small and medium-sized companies would be more greatly burdened by a levy than larger companies. Consumers on lower incomes would also be affected, as they would need to pay the 10p to get their shopping home on buses or trains. In the past, consumers on lower incomes have been less likely to use reusable bags. That issue must be at least considered.

The Scottish model also identified significant costs. I have heard nothing to indicate why we should believe that our scheme would be considerably different from the Scottish scheme, in which there was a one-off set-up cost of £7.5 million. Scotland has 32 local authorities, and we have 26, which is not a huge difference. Therefore, there is genuine concern that our set-up costs could be of a similar level. Given

that RPA has not proceeded — that is another failing of the Executive — having more local authorities to administer the scheme would make application of the Scottish model here excessively expensive. There has been a lack of detailed scrutiny. I am not aware how this scheme is significantly different from the Scottish scheme.

The amount of revenue projected to be generated in Scotland was also queried, because there could be a reduction in the amount of bags used and, therefore, levies paid. Due to the set-up costs and the query about the amount of money that would be generated, there was a question mark over the overall effectiveness of the Scottish scheme.

It is interesting to look into some of the detailed costs of the Scottish scheme. As was mentioned earlier, there was going to be an educational programme, which was estimated to cost between £1 million and £2 million. The set-up cost among the 32 local authorities was estimated at another £2 million. The ongoing annual running costs were estimated at £1 million. Enforcement was estimated to cost almost £1 million. It was also estimated that £250,000 would be needed for legal advice to determine, on occasions, whether or not to prosecute. It was indicated that there would be a net income of £4 million.

Considering that Scotland has a population of more than 5 million and Northern Ireland has a population of 1.7 million, it could be expected that we would generate one third of the income generated by the Scottish model. However, there is a huge danger that we will have a fairly similar fixed cost as Scotland, as we have almost the same number of local authorities. We could have a considerably reduced income but a similarly high set-up cost. Therefore, I have concerns about the effectiveness of the scheme and the bureaucratic costs of administering the proposals. I have no idea of the costs in the Bill, never mind the significant amendments that we have yet to see. Apparently, both the DUP and Sinn Féin are familiar with those amendments. It would be nice if the rest of us could see those amendments and consider them.

In summary, the 15p levy appears excessive. Detailed work is needed to ensure that we have an administrative scheme. I am not averse to giving a financial incentive or a message to ensure that the number of plastic bags used

diminishes. That argument can be made. However, in doing so, it is vital that we have an efficient, cost-effective scheme that does not have unintended consequences.

I return to the issue of individual consumers paying the levy, as specified in the Bill. There has been a lack of detailed scrutiny and information on that, so I have no idea whether that is the best route to take or whether we should follow the route taken in some other European countries, such as Denmark, where the levy is directed at retailers.

They have to pay that money, so they are less likely to give away free bags. I have been in some shops where my goods have almost been put into a bag before I could say that I do not want a plastic bag, and my items are taken out again. If retailers had to pay a direct cost, I am fairly confident that they would not put goods straight into plastic bags regardless of whether customers require them. It is possible to give retailers a financial incentive and a message using that type of model, which is much more efficient as it cuts out the significant administrative costs to local authorities.

The Bill talks about the concept of a central environmental fund, and I have no difficulties with that. It would be laudable if some form of tax that was set at an appropriate level were levied to encourage good behaviour, and it would be right and proper for any excess moneys to be used in an environmentally beneficial manner. As I said, there are different financial methods for achieving that, and I would like those methods to be investigated.

I am concerned about the lack of democratic process and scrutiny and about the speed at which the Bill is proceeding. As I said earlier, we are allowing very little time for retailers and those involved in the distribution or manufacture of plastic bags to make adjustments. This undue haste is not a good way to get things done or to legislate on matters that affect the lives of others. Someone may have recently invested in equipment to manufacture bags locally, but because of the speed at which this legislation is coming, we will not know whether that is the case. It appears that some Members want this legislation to be passed within a matter of months if not weeks. However, it does not seem as though much of a signal has gone to those in the retail trade or to the manufacturers of plastic bags, which is

unfortunate. If they are allowed to give evidence and to see the Committee report, they will feel the tenor of the evidence and can start to adjust their businesses accordingly. However, it appears that the DUP and Sinn Féin are willing to just go for a big bang and introduce this legislation in the blink of an eye.

I support what my colleague said earlier: it is much better for this legislation to be processed by delaying it until after the election, allowing it to run its normal course at Committee Stage and letting all the information come out. Let us ensure that the Assembly makes good legislation and that we get this right.

Mr B Wilson: The Green Party has supported a levy on plastic bags for many years and I, therefore, welcome the Bill. I support it not on economic grounds — although something like £4.7 million for the green new deal, to which other Members referred, would be welcome — but on environmental grounds. Indeed, as far as I am concerned, the ultimate success of this legislation would be if plastic bags were phased out completely and no revenue was raised.

Plastic bags have a serious impact on the environment and particularly on wildlife. Anyone who has looked at programmes about our marine environment will know that a plastic bag that gets into the digestive system of, for example, a turtle, a dolphin or a whale at some time or another will eventually kill them. Bags can also prevent birds from breathing or eating, and they die of starvation as a result. It even happens to normal farm animals, with incidents of cows, for example, being killed having digested bags.

My second environmental concern is the bags themselves. Light bags are blown throughout our countryside, festooning our trees and hedgerows and destroying the green, clean countryside that we are trying to promote as tourism. That affects local councils, which have to clean plastic bags from hedgerows. The aim of the Bill should not be to raise revenue; it should be to change consumer behaviour, reduce plastic bags in the rural landscape and increase public awareness of littering.

Some Members pointed out the dramatic success of the Irish levy, which has reduced the use of plastic bags by more than 90%: 1.3 billion fewer bags are used a year. There has also been a significant reduction in littering, and costs have been minimal, at only 3% of the revenue raised. Some years ago, research was done for the Dáil

to see what public opinion was on the issue, and the response from the public and retailers was overwhelmingly positive.

Some Members said that if we ban single-use plastic bags, people will use other types of bags, such as bin bags or paper bags, which would, of course, negate the main impact of the levy. However, that is not what it is about. We have to encourage people to reuse bags. We should not be looking at the cost of alternatives but at using cloth or cotton bags, which can be used up to 170 times. That would dramatically reduce what goes to landfill.

I have never used a plastic bag in my life; I get great satisfaction from telling the retailer that I do not want a plastic bag. I will be accused of being a chauvinist, but my wife has not used plastic bags for many years and brings her own bags to the supermarket each week. She is totally opposed to plastic bags, and, about 10 years ago, introduced a proposal in North Down Borough Council to ban plastic bags. She is very sympathetic to that.

It can be done; that is the point that I am making. People want to reuse bags. As I said, in the Irish Republic, 1.3 billion fewer bags are used. How do people carry their shopping? They use and reuse bags.

Mr Kinahan referred to the Danish system, about which I have grave reservations. Outwardly, it may seem a success, but taxing retailers will just be passed on to consumers. Therefore, there would be no incentive for the consumer to change his behaviour. If we want to change people's behaviour, we have to make the consumer pay directly. Most consumers would accept that.

Mr Savage raised the issue of the impact on jobs and the plastic bag industry. I am not sure what size the plastic bag industry is in Northern Ireland, but I know that, in the Republic, more than 80% of plastic bags used were imported.

The big supermarkets, like Tesco, all got theirs imported, so it did not have a significant impact on plastic bag producers. I accept that there will be some job losses, but there are opportunities to diversify. We should be looking at other opportunities to diversify. The overall impact on jobs will be minimal.

5.30 pm

Mr McKay: Does the Member agree that the proposal will also create new jobs, as the

funding stream will go to the green new deal? If there are other funding streams that go towards the green new deal, jobs will be created?

Mr B Wilson: I totally agree.

Like everybody else here, I have been lobbied by small shopkeepers —

Mr McGlone: Thank you very much indeed for giving way, Mr Wilson. There seems to be one bit that I cannot quite fit my head around. We heard in the Budget proposals that, if the levy was not raised, projects would have to be cut, and, I presume, jobs would be lost as a consequence. This is to supplement the potential for cutting jobs rather than creating new jobs, unless there is something that I am totally blinded on.

Mr B Wilson: Thank you for your intervention. I am coming from the perspective of the levy not being a revenue raiser. I want people to change their behaviour so that it will be phased out in the longer term. However, we have to be realistic; it will not disappear overnight. In the short term, it will raise money that can be used for the green new deal. I am very supportive of that.

I find the opposition to the levy from the small retailers very hard to grasp, given that in the Irish Republic all retailers, the chambers of commerce and the multinationals all believe that it is a good thing. Even those who initially opposed it now support it. As, I think, Willie Clarke pointed out, there have been significant savings. One retailer experienced savings of £1.9 million in the first year because it bought fewer plastic bags. They still made savings after administrative costs. Given that savings will be made, I see no reason to oppose it.

I declare my interest as a councillor. A role for councils is provided for in the legislation, but they should not be involved because they do not have the resources. The levy should be collected centrally. Collecting it with the VAT returns seems to be the most obvious way to do that. I have pointed out that that is the way it happens in the Irish Republic. The administrative costs there are a mere 3% of the total revenue that is raised.

That said, I am very much in support of the legislation. I support the revenue that is raised going to the green new deal. We need a lot more for that, but it is a start. I would like to think that, in the longer term, the levy will be phased

out and I hope that we will bin the plastic bag tax for ever. I support the Bill.

The Minister of the Environment: The debate has been interesting thus far. I wish to comment on a few issues around the plastic bag levy and on some comments made by Members. Figures released by the Waste and Resources Action Programme (WRAP) last year indicated that the UK's leading supermarkets have reduced the number of bags that they gave out by 41% since 2006, when figures were first recorded. In Northern Ireland since 2006, even with sales growth of more than three times the UK average, the number of bags handed out by major supermarkets in 2009-2010 alone fell by 9.3% on the previous year. That equates to 19 million fewer bags in circulation, which demonstrates that the public are getting the message and are already using fewer plastic bags.

That is a considerable achievement. However, I have consistently warned supermarkets and smaller retailers that that was not enough; that we needed to achieve more; and that we would always consider introducing a plastic bag levy if we failed to achieve the figures required. We have the proposed bag levy before us today in the form of Mr McKay's Bill, which provides an opportunity to bring forward the necessary enabling legislation.

The Bill is subject to some amendment to accommodate the arrangements envisaged in the Finance Minister's Budget paper. However, the Bill and the amendments to come will lead to broader enabling provisions in detailed arrangements to be delivered through subordinate legislation, so this is the start not the end of a process. Many of the fears and scares raised by Members who oppose the legislation do not appear to take into account the fact that there will be substantial secondary legislation that will require detailed discussion, affirmative resolution from the Environment Committee and further debate in the House.

Therefore, much of the huffing and puffing about the Bill is unnecessary. In fact, just last week, Basil McCrea presented the notion that there had not been sufficient time to discuss the Justice Bill. He almost dismissed what went on at Committee Stage and the fact that there were 1,400 pages of material on record about the discussion that took place in Committee. I think that he was looking for a House of Lords for this place. Last week, the Ulster Unionists

dismissed Committee Stage; now they say that it is imperative. I am not sure where they are from one week to the next.

In fact, I am not sure where they are from one year to the next. That is very clear, because Mr Beggs laid it on the line during a previous debate in the House when he said:

"Over time, plastic bags break down into smaller, more toxic petro-polymers that eventually contaminate soils and waterways and enter the food chain. The effect on wildlife can be catastrophic: birds become terminally-entangled, and the World Wildlife Fund estimates that almost 200 different species of sea life — including whales, dolphins, seals and turtles — die after ingesting plastic bags that they mistake for food."
— [Official Report, Bound Volume 34, p288, col 2].

Mr Beggs does not now want to proceed; he does not want to move forward; he wants to hold the issue back, despite his previous views.

Mr Beggs: If the Minister had listened carefully, he would have heard me say that there are huge question marks over what is being proposed. I can judge only what is presented to me in the Bill, and there are huge dangers of undue administrative costs. Significant changes in behaviour can be brought about with much lower levels of taxation. I indicated that evidence showed that that occurred with a 5p rather than a 15p levy. If there are to be significant amendments to the Bill, should the Minister not have shared that information with all the parties via the Committee?

The Minister of the Environment: On the issues raised by the Member, I go back to the point that the Bill is enabling legislation. All the issues that Mr Beggs raised will be dealt with through subordinate legislation. If he and I are re-elected to the House and are involved in the Environment Committee or in some other role, we will have the opportunity to deal with those issues clearly.

It is quite obvious now that, at this point, we have not identified the figure that will be attached to a levy, whether it is 5p, 10p, 15p or 50p. We will not put that in this early legislation.

We are also looking at how we can collect revenue, and we have been in talks with HM Revenue and Customs about that issue. I would wholly oppose circumstances where we perhaps bring in £4 million to £5 million and spend £2 million to do so. That would not make sense,

and we need to find a reasonable mechanism to collect that levy. However, we are not asking Members to deal with that in this enabling legislation. We are asking Members to deal with that at a later point. This Bill gives us the opportunity to introduce subordinate legislation to deal with all those issues, which we will debate properly. We can move forward on them following such debate. We do not need to deal with that at this point.

In any event, given a fair wind, it will be April 2013 before we can collect the levy. That is a fairly significant date. Some Members suggested that we should hold back until the new term and that the legislation would be through for December. We would have to forego public consultation to achieve that, because most legislation takes a year to pass. So, that is neither reasonable nor feasible. If Members hold back the Bill, they could hold back the introduction of the levy until 2014. Some people are concerned about the small businesses that might be affected by the Bill. However, the plastic bag levy will not be introduced in 2012. It will not, in any event, be introduced until 2013 at the earliest.

Mr Dallat: Will the Minister give way?

The Minister of the Environment: I will give way. In reality, those shops and traders will have a buy-in time, and there will be a considerable amount of work to do in advance of that.

Mr Dallat: I thank the Minister for giving way. Will the Minister explain how he proposes to factor into the draft Budget the £4 million for the next four years that is intended for environmental work if the money will not be collected until 2013? Or are we now talking about a different Bill from the original one?

The Minister of the Environment: No. I have had those discussions with the Finance Minister and pointed out that we will not be able to raise the funds in those early years because this will take some time to work through. That is being taken into account by the Department of Finance and Personnel, and we will see the outworkings of that in due course in the final Budget. So, we will be able to move those issues forward without having to block this particular piece of legislation.

I would accept it more if Members got up and said that they are opposed to the introduction of

a plastic bag levy. However, I have not heard that from any Member on the Floor.

Mr Kinahan: Will the Minister give way?

The Minister of the Environment: I will give way in a moment. What I have heard from some Members is that they are opposed to the passage of legislation that would enable us to collect a plastic bag levy. Now, if Members are opposed to a plastic bag levy, please stand up and tell us. That would be an honourable position to take. However, opposition to the legislation for the sake of opposition is not an honourable position to take.

Mr Kinahan: I thank the Minister for giving way. It seems that the Minister is completely rewriting the Bill. Had he spoken at the beginning of the debate, we might have had a little bit more detail to speak about, rather than having to wait until the end. There is much good in what he is saying, but there is still a huge doubt over the consultation process and that leaves us even more worried about where we are going. I will stand up and say that we are for plastic bag levy and legislation that works, but we are left with a big question mark as to exactly where we are going.

The Minister of the Environment: I thank the Member for indicating that I have such a persuasive capacity. I trust that that will continue to be the case. I certainly trust that it will be the case with the electorate in May and, if I am elected, thereafter.

I accept the argument that the enabling legislation is being hurried, but I am making it very clear today that this is not the endgame but the start of the process. Therefore, we will have considerable opportunity to give that adequate thought and consideration. The Bill will enable us to move forward with due process and will give it a considerable pace once we move to the new period beyond the election. However, if we hold off making the legislation until after the election, achieving a plastic bag levy in any decent time frame will be a difficult challenge. I encourage Members to support the enabling legislation that is proposed today.

5.45 pm

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I thank all Members who contributed to the debate.

The Chairperson of the Committee for the Environment, Cathal Boylan, said that the provision in the Bill to ensure that revenue that is generated from the Bill goes to the Department of the Environment for environment projects is critical. That is one of the most important aspects of the Bill, if not the most important aspect. He also said that there is a need to strike a balance in the legislation.

Danny Kinahan took a more negative approach. However, he made the good point that more education on the issue is needed to change people's behaviour and to put more focus on recycling. Those issues are separate to the legislation to set up a levy on plastic bags. He wanted further consideration to be given and research to be carried out on the private Member's Bill, but, over the past two years, I have seen numerous research documents. Those have been requested not only by me but by the Committee for the Environment, and there has been a lot of debate on the matter in the Assembly. We are taking the right approach, which is progressive and is supported by the public.

He also outlined the concerns of NIIRTA and the fact that the legislation may have an impact on small retailers. Over the past couple of hours, we discussed the impact that a levy had on retailers in the South. There are many quotes from retailers and chambers of commerce that are overwhelmingly in support of the levy, and there are no signs of negativity or a negative impact on the sector. Torlach Denihan from Retail Ireland said that a typical retailer would not put the plastic bag levy in their top five, six or seven concerns. That is the case in the South, where, after initial resistance, people have accepted it. There is a responsibility on us as legislators, who have an understanding of the legislation that goes through the House, to try to address any concerns and ensure that it does not have a negative impact on retailers. As the Minister said, further consultation will take place, and we will not rush into legislation until there is full consultation on the regulations.

The Minister also talked about the concern over councils taking on responsibilities as a result of the legislation. Again, we will introduce flexibility in the Bill for who will be responsible for enforcing the legislation and the levy. That can be done in-house, and it can also be done by other agencies, including councils. There are concerns about that, and Brian Wilson also

raised that issue. It will not be decided in this legislation.

Mr Kinahan also talked about black bin bags and the fact that, in the South, there has been some displacement of black bin bags. When the levy was introduced, there was a positive impact, with a 90% reduction in the circulation of plastic bags. I think that Willie Clarke referred to that. At the same time, there was a 77% increase in kitchen and bin bag usage. Figures from Friends of the Earth show that there was an overall reduction in plastic bag material, such as plastic bags and black bin bags, of around 930 million bags. Therefore, the effect of that in the overall use of bags is minimal.

Danny Kinahan also said that the consultation was a shoddy job. I have a folder here with about 100 pages of consultation responses from various parties, but the parties here are ignoring the fact that there will be a further consultation process on this legislation, and the issues and concerns that they have raised will be addressed in that process. I hope that that allays their fears.

He also said that he did not get a consultation document, but I placed a document in every MLA's pigeonhole. I know that David McNarry got one because he responded, and I thank him for that. He was one of only a few Members who did so. No other Member of the Ulster Unionist Party or the SDLP did that.

John Dallat said that the Bill was deficient. He also criticised the draft Budget, and I suspect that a lot of the opposition from the Ulster Unionist Party and the SDLP is because of the draft Budget. In the past, both parties have indicated in their party manifestos that they support a plastic bag levy. Apparently, it is their party policy, but you would not think that from listening to their contributions today.

With respect to the SDLP's position on wanting more taxation and fiscal powers devolved to this Administration, when we have an opportunity to set some form of fiscal taxation —

Mr McGlone: Does the Member regard this as a means of taxation?

Mr McKay: It is an example of a taxation and fiscal power in the sense that we are setting a levy. It is a form of generating income. The primary purpose of the Bill is to have a positive environmental impact, but you would be a fool

to ignore that there will be revenue from the initiative in the first number of years. Are we simply going to put that revenue in a central pot, or should we target it at environmental projects? I believe that it should be targeted at environmental projects, and it should be channelled back into the Department.

Chris Lyttle spoke about the concerns that small and medium-sized businesses have. It is worth reiterating that businesses in that sector will be fully consulted on the impact that the levy will have. I hope that the Member will take that into account. He welcomed the funds going towards the green new deal, and I hope that there is general support for that initiative across all the parties.

George Savage expressed concern around the costs. Plastic bags account for only a small amount of waste. I find it very hard to believe that the Ulster Unionist Party is arguing that it is in favour of a plastic bag levy, yet the party's comments today seem to indicate that it is not in support of such a levy. You cannot ride two horses. You are either for it or you are against it. That needs to be clarified.

Mr Beggs: The Member said "we are", and it appears that he is talking about himself and the Minister of the Environment. Does he accept that the Bill is being completely rewritten and the entire Committee Stage bypassed? You are asking those who have not seen it to take a leap into the dark.

Mr McKay: I do not know whether my voice is not carrying across the Chamber, but a number of Members have indicated what the changes will be.

The Bill is not being rewritten; it is being amended. Bills are amended as part of the process of their going through the House.

Mr Savage: At least the Member has been listening to us. He has agreed to amend the Bill.

Mr McKay: It will be amended, as I indicated at the start of this and the previous two debates, so I do not know what the Member is referring to.

Patsy McGlone also had some concerns about the levy and described the legislation as improper. He talked about the danger of buying a second-hand car without proper scrutiny. It is interesting that he is concerned about the impact on retailers. In the past, however, the

SDLP indicated that it wanted a levy of at least 20p on plastic bags. That seems to contradict some of the arguments from its Members today.

Willie Clarke talked about the green new deal and how it will tackle fuel poverty and create jobs. He also touched on the important issue of exemptions. I accept that there is some concern out there. I spoke to a butcher in my constituency who was concerned about a charge for the particular plastic bags used for meat bought over the counter. In the South, exemptions apply to certain types of food, such as meat. I support those exemptions being included in the legislation.

Mr Lyttle: Has consideration been given to exempting chemists and pharmaceutical companies when it comes to certain medicines required to be kept discreetly?

Mr McKay: Again, that will be subject to regulations when the legislation is finalised. I have received correspondence from pharmaceutical companies on the issue of their exemption. I carried out some research on what happened in the South, where they are not exempt. It is worthwhile looking at what was done in the South and in other jurisdictions to determine what approach we should adopt.

Willie Clarke also made the point that using a reusable bag will become second nature. He said that the legislation was about changing people's habits and changing the culture of using plastic bags. The aim is not to hit people in their pockets or to target people who are worse off in society. Indeed, research in the South indicated that the legislation did not have a major impact, even on the unemployed and lower socio-economic groups.

Willie also touched on the issue of a sex tax. I do not know what the party position is on that, but there is surely a better way of reducing the waste from disposable nappy bags than through the introduction of a sex tax. There would, of course, also be an impact on public health.

Roy Beggs talked about the added burden on retailers. Clearly, he and the Ulster Unionist Party are against the levy, and the SDLP is not far behind them. I do not understand why Members put forward those arguments if their party position is to support the levy. They cannot ride two horses. Those two parties should adopt a more positive approach to the legislation,

because it is a radical and positive initiative that has public support.

The Minister of the Environment: It is clear, particularly in the case of the Ulster Unionist Party, that it wants to ride two horses. Mr Kinahan read out a wish list of what the Department of the Environment could do. Meanwhile, his Minister Mr McGimpsey wants us to give up more of the money that we spend on the environment to support the Health Service. He opposes mechanisms to raise revenue to support the environment. The Ulster Unionist Party is, therefore, riding two horses and cannot be taken seriously as a party of Government. *[Interruption.]*

Mr Deputy Speaker: Order. I made an announcement about phones earlier. Members who have been here for a four-year term know full well that phones are not allowed to be switched on in the Chamber because they affect the recording system. Yet Members continue to have their phones switched on, which disturbs the business of the House. I ask all of you to switch off your phones.

6.00 pm

Mr McKay: It is worth remembering that the SDLP proposed that more money should be taken from DOE as well as the Department of Justice and the Department for Regional Development. Therefore, that party complains about money being lost when, indeed, it wanted more money to be taken from the Department after the draft Budget.

Brian Wilson made a very good contribution. He outlined the Green Party's support for the Bill, as well as the impact of plastic bag waste and litter, especially on wildlife and, in particular, on marine wildlife in the oceans and seas. He also said that in the South, retailers are overwhelmingly positive about the levy and that the bulk of plastic bags are generally imported from overseas companies.

We also had discussion on jobs creation through the green new deal. An interesting fact is that a retailer in the South actually saved £1.9 million as a result of the introduction of the levy there. Mr Wilson outlined concern about councils. He said that he would prefer that the levy was centralised. That decision is not being made in the legislation. That can be decided at a later date, after the pros and cons of different options are taken into account. He wants to

see plastic bags phased out altogether. I agree with that. The Bill is the beginning of a process to change the culture. Many years ago, nobody used plastic bags. People reused cloth bags regularly. We can live without plastic bags, and it is worth working towards that.

The Minister outlined the fact that the public already use fewer plastic bags. Certainly, initiatives are in place. Education in that regard is having an impact. The private Member's Bill can accommodate the necessary enabling legislation to move that levy forward. The rest can be delivered in subordinate legislation. The Minister also said that there would be secondary legislation and significant consultation. Parties should take that into account. A lot of consultation has been carried out. There are over 100 pages' worth of consultee responses. We have engaged and held meetings with plastic bag manufacturers, retail organisations and so on. There will be more consultation over the next year. Hopefully, parties will take into account that more consultation will be carried out and that the Bill will not be rushed in. We must ensure that it does not have a negative impact on retailers and others.

The matter is quite simple. The Executive have already adopted many of the Bill's proposals. That is why changes have been made to it. The Bill will be simplified, not complicated. It is progressive, significant legislation and a significant environmental measure. I ask Members to support that legislation to ensure that it is the success that it can be.

Mr Deputy Speaker: Before we proceed to the Question, I would remind Members that, as the intent of this Bill is to impose a tax, cross-community support is required in accordance with section 63 of the Northern Ireland Act and Standing Order 26(1)(b)(ii).

Question put.

The Assembly divided: Ayes 56; Noes 16.

AYES

NATIONALIST:

Ms M Anderson, Mr Boylan, Mr Brady, Mr W Clarke, Ms Gildernew, Mr G Kelly, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Mrs McGill, Mr M McGuinness, Mr McKay, Mr McLaughlin,

*Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill,
Ms S Ramsey, Ms Ruane, Mr Sheehan.*

UNIONIST:

*Mr S Anderson, Mr Bell, Mr Bresland, Mr Buchanan,
Mr Campbell, Mr T Clarke, Mr Craig, Mr Easton,
Mrs Foster, Mr Frew, Mr Girvan, Mr Givan,
Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin,
Mr McCausland, Mr I McCrea, Miss McIlveen,
Mr McQuillan, Mr Moutray, Mr Poots,
Mr G Robinson, Mr P Robinson, Mr Ross,
Mr Spratt, Mr Storey, Mr Weir.*

OTHER:

Dr Farry, Mr Ford, Ms Lo, Mr Lyttle, Mr B Wilson.

Tellers for the Ayes: Mr Boylan and Mr W Clarke.

NOES

NATIONALIST:

*Mr Attwood, Mr Callaghan, Mr Dallat, Mr McDevitt,
Dr McDonnell, Mr McGlone, Ms Ritchie.*

UNIONIST:

*Mr Armstrong, Mr Beggs, Mr Cobain, Mr Cree,
Mr Kinahan, Mr McCallister, Mr B McCrea,
Mr K Robinson, Mr Savage.*

Tellers for the Noes: Mr McGlone and Mr Savage.

Total votes 72 Total Ayes 56 [77.8]

Nationalist Votes 30 Nationalist Ayes 23 [76.7]

Unionist Votes 37 Unionist Ayes 28 [75.7]

Other Votes 5 Other Ayes 5 [100.0]

Question accordingly agreed to.

Resolved (with cross-community support):

*That the Second Stage of the Single Use Plastic
Bags Bill [NIA 8/10] be agreed.*

Adjourned at 6.15 pm.

Northern Ireland Assembly

Tuesday 1 March 2011

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

Members observed two minutes' silence.

Ministerial Statement

British-Irish Council: Housing

Mr Speaker: I have received notice from the Minister for Social Development that he wishes to make a statement to the House.

The Minister for Social Development

(Mr Attwood): In compliance with the requirements of section 52C of the Northern Ireland Act 1998 and of Standing Order 18, I wish to report on the second meeting of the British-Irish Council (BIC) housing work stream, which was held in St Mary's University College on the Falls Road in Belfast on 16 February. The report has been agreed by, and is being made on behalf of, junior Minister Robin Newton MLA, who accompanied me at the meeting.

Before I get into the body of the report, I want to make some overarching comments. As Members know, sometimes in politics it is difficult to see the wood for the trees when trying to identify the big strategic issues beyond the details and vagaries of political life. What I found useful about the British-Irish Council meeting in housing sectoral format was that, when politicians at a ministerial or equivalent level were brought into the room to interrogate and bear down on the particular issue of housing, the fog began to clear.

I found that, in conversation at a political level, when the democratic interest is properly asserted, one can bear down and get conclusions that are very useful in terms of shared practice and common interest going forward. That was very clear in the meeting. Although we came from a diversity of jurisdictions, the common interest in housing — housing finance, housing models and housing need — was crystal clear.

That is a further reason I felt the meeting to be very important. It all arises from the initiative of Margaret Ritchie, as it was she who identified the gap in the institutional structures that suggested to her that the British-Irish Council could usefully bear down on housing issues. The report from Robin Newton and me indicates, and the work of the sector confirms, that her judgement was timely and appropriate in beginning to scope how we move forward on the issues. I am the sweeper in the Department, taking forward the legacy of Margaret Ritchie, and that was true of the BIC housing sectoral meeting last month.

At its summit in Cardiff in February 2009, the British-Irish Council identified housing as a new work stream. The fact that Margaret Ritchie was asked to lead that work was indicative not just of her personal commitment to the issue but of the fact that the Northern Ireland housing sector and the Department were ahead of the game in best practice in housing developments in the jurisdiction of the BIC. For those reasons, Margaret Ritchie was asked to take the matter forward.

The first ministerial work stream was held in the Slieve Donard Hotel in Newcastle in December 2009, and I hosted the second ministerial meeting, at which all eight jurisdictions were represented. The British Government were represented by Neil McDonald, who is the director of housing standards, homelessness and support at the Department for Communities and Local Government. The relevant Minister was unable to attend as there was a three-line whip in Westminster — in the Commons and the Lords — on legislation that was proceeding at the time.

The Irish Government were represented by Michael Finneran TD, the then Minister of State with responsibility for housing and local services. Given the various demands on Ministers in the South, including electoral

demands, it was important that the Minister from the South was there. He made a substantial contribution to the meeting. I congratulate all the parties that performed successfully in the recent election in the South and commiserate with many good TDs who no longer represent their constituency in the Dáil. Many good men and women are no longer fulfilling that role.

The Scottish Government were represented by Alex Neil MSP, the Minister for Housing and Communities. As we will hear, his contribution was particularly timely. I had a long meeting with him in January when we scoped how we might proceed over the next five, 10 or 15 years, including considering housing models and housing financial options. Alex Neil spoke to those issues usefully and in some detail at the meeting.

The Welsh Assembly Government were represented by Judith Askew, a senior housing official, and the Jersey Government by Carl Mavity, also a senior housing official. His Housing Minister could not attend because he had been elected Housing Minister only the day before. The Guernsey Government were represented by Graham Guille, the Deputy Minister for Housing, and the Isle of Man Government were represented by the Hon Martyn Quayle MHK, Minister of Social Care. Junior Minister Robin Newton and I co-chaired the meeting; together we represented the Northern Ireland Executive.

During the day, we considered papers on three areas of work and received two short presentations from the Northern Ireland Housing Executive. The first paper sought to identify new forms of investment for affordable housing. Ministers agreed that, given the very challenging budgetary position that each of us faces, it was important to find new ways of financing our work. The paper that Alex Neil presented on behalf of the Scottish Government identified alternative financial opportunities that we will explore further. I am sure that I will be asked questions about those opportunities.

The second paper, which was presented on behalf of the British Government, looked at the issue of mobility in social housing. Evidence suggests that finding suitable social housing can be a problem where tenants move from one area to another. Details of the proposed house swap scheme were shared, and Ministers agreed in principle that that is an area that each Administration should explore further. However,

we noted that there were regulatory and legislative issues associated with such transfer of tenancy. Indeed, some Administrations attach specific residency conditions to social housing provision in their jurisdiction.

Notwithstanding those issues, Ministers were supportive of any plans that could increase the social mobility of those in public housing, and work will begin to scope out areas in which that could be done on a voluntary basis.

The third paper looked at the possibility of including social clauses in government contracts. I introduced that paper, as I insisted that spending in my own Department must include conditions to provide work placements and, ultimately, apprenticeships for the long-term unemployed. I confirmed to ministerial colleagues that the initiative under way in my Department was brought forward unilaterally by me on 1 January 2011. In 2009-2010, government spending here among Departments, agencies, and non departmental public bodies accounted for more than £2.3 billion. I firmly believe that such spend can be used more constructively to provide real opportunities for those who are out of work. Details of that unemployed clause were discussed, and Ministers agreed that the introduction of such a clause would assist in providing the long-term unemployed with much needed skills that will help them to find suitable employment in the future.

Plans are also in place to introduce additional clauses on a phased basis for apprenticeships and student placements, and I updated Ministers on that. I also instructed officials to scope out how the social clause provisions could apply to supplies and services. At all times, the threshold at which a social clause will kick-in in the Department for Social Development (DSD) is much lower than the threshold in other Departments. That is done in an effort to ensure that the maximum number of people get work opportunities through DSD's spending on newbuilds and regeneration. No doubt, I will be asked about that subsequently, and I will be pleased to give Members much more detail.

Two presentations were made by the Northern Ireland Housing Executive. The first was entitled 'Housing: A West Belfast Context', and the second was on retrofitting. The first presentation gave a context to our meeting by

showcasing how good housing can be a catalyst for regenerating communities and providing the building blocks to lift them out of poverty and deprivation. As we had many visitors and the meeting was in the heart of the West Belfast constituency on the Falls Road, I thought that it was appropriate to give an overview at the start of the meeting of where housing had travelled over the past 40 years in the entire constituency, from the Shankill to Twinbrook.

The second presentation on retrofitting and energy efficiency looked at the challenges of adapting existing homes to make them more energy efficient. A passive house project from Newry was showcased in the presentation, and it provided Ministers with an opportunity to see how older housing can be repaired, improved and retained to modern standards of thermal comfort and sustainability. Housing stock and energy efficiency and how they relate to fuel poverty in Northern Ireland and across Britain occupied a great deal of the attention of those who were present.

Ministers agreed that the issue presented challenges and opportunities for their respective jurisdictions, particularly in the current economic climate. Officials will continue to share good practice as we take forward the actions that were agreed at our meeting last week. I have made the minutes from our first meeting in December 2009, together with a communiqué from our meeting last week, available to Members to see the range of issues that are being taken forward on their behalf.

We considered the meeting to be particularly useful. The exchange on housing need, models and funding is work that can be usefully developed in the future, and officials have been asked to gather and share information, including best or innovative practice, to inform how each jurisdiction plans for the future. It is anticipated that the sector will return quickly to the issue.

Before concluding, I want to acknowledge the president of St Mary's University College on the Falls Road, Professor Peter Finn, and his staff, including the harpist and those who prepared the Irish stew and wheaten bread. They were very good hosts. Given that the meeting dealt with housing, I deliberately took it away from a hotel into a community with historic and current housing needs. I congratulate all those in St Mary's and my own officials, who worked hard to put together a very productive day.

New ways of doing housing that at all times firmly embed the principle of community benefit are essential. Perhaps somewhat to my surprise, the BIC housing sector can be important in achieving that objective.

10.45 am

We concluded that the good models and good practice that were discussed during the meeting should be collated by officials and shared among officials and Ministers in the next two or three months. The issue of housing sector reform, housing financial models, housing generally and housing need in particular will preoccupy the Assembly in the next mandate. It will preoccupy all the jurisdictions in all their mandates, and the BIC will be critical in all that work.

The Chairperson of the Committee for Social Development (Mr Hamilton): I thank the Minister for his statement and for the additional information that he provided to the House. I wholly support the comments that he made at the outset. I think that we all agree that the sharing of ideas across various jurisdictions in the British Isles on the complex issue of housing can only be to our mutual benefit.

The first paper presented at the meeting was on new forms of investment for affordable housing. The Minister will know that I have a very close interest in that issue. Will he give more detail on the types of models that were discussed? In these very difficult economic times enforced on us by Tory cuts, is there scope not just for us — in his belief — in Northern Ireland to seek out new ways of funding housing development, but also working on a collaborative basis with our partners in the British Isles to do something more?

The Minister for Social Development: I thank the Member for his contribution. He touches on a vital point. The issue of housing need and housing finance is going to preoccupy and challenge us politically and operationally. Because of the setting up of the BIC housing sector, the leadership of Margaret Ritchie and the work of all the other Ministers responsible for housing, housing associations have been able to access additional sources of funding from the Housing Finance Corporation, the bond market and the European Investment Bank (EIB). The European Investment Bank has made £345 million available to housing associations, and the bond market has made available over

£70 million. Of that, £30 million of the EIB money and £21 million of the bond money has come to Northern Ireland housing associations.

Already the BIC housing sector, and Margaret Ritchie's input in particular, has demonstrated that one can draw down other sources of funding at lower interest rates in an effort to subsidise the public and affordable housing sector and maximise newbuild. That model — the bond market and the EIB — clearly needs to move forward. However, as the Member said, we need to stretch ourselves in scoping out other potential opportunities.

Beyond EIB and the bond market, the matter of what might be available in terms of pension funds making money available to the housing sector is going forward. The Scottish Government is scoping out a large number of pilot schemes to identify alternative funding opportunities and different tenure approaches modelled to suit local market conditions in the Scottish jurisdiction. We will interrogate those models, as will all the jurisdictions, to see whether anything appropriate comes across.

My view is that we do not exclude any possibilities and that we exhaust all possibilities, but we caution ourselves. My sense is that there are some predatory instincts that think that there is easy money to be made off housing stock in the short term, and I caution against that. Yes, we must exhaustively look at all funding options. However, we must not be casual, opportunistic or short-sighted in looking at those options and thinking that, just because the Housing Executive has 90,000 units, there is easy and quick money to be had to fund newbuild.

Subject to that caveat, and to the principle that it falls to government to be responsible for the provision of public and social housing, we need to get to the bottom of the models developed over the past couple of years and other alternative finance models, and where there are reasonable opportunities, exploit them.

Mr F McCann: Go raibh maith agat, a Cheann Comhairle.

I also welcome the Minister's statement and that he took the event from a hotel in a leafy suburb into a working class community. Those are all good signals to send to the people living in the area. The areas surrounding that location have some of the worst social deprivation but

also contain some of the better social housing that has been built —

Mr Speaker: Do I detect a question somewhere?

Mr F McCann: I am sorry; I lost the run of myself.

The Minister mentioned social clauses. I remember a debate a number of months ago in which someone from the Welsh Assembly said that the Welsh Assembly Government had successfully used social clauses in social housing. Has the Minister set any time limits for when the objective of obtaining jobs and apprenticeships through social clauses can be met?

The Minister for Social Development: It was not the case that I removed the meeting from a hotel in a leafy suburb. The proposed location was a hotel in the heart of east Belfast, rather than in a leafy suburb. Nonetheless I thought that a non-hotel venue, and one in west Belfast, was appropriate.

The issue of social clauses is not speculation; it is already in place. From 1 January, housing associations must have the new social clause in place for newbuilds. In addition, regeneration contracts, through the urban side of DSD, must also have it in place. The consequence is that for every £500,000 spent on labour, a contractor is obliged to employ a long-term unemployed person for 26 weeks, or two long-term unemployed people for 13 weeks. So, this is not a matter of speculation; it is something that I instructed the Department to put in place late last year and it became live on 1 January.

The Member might be interested to know that, if he were to visit the newbuild by Clanmil Housing on the Bass (Ireland) site on the Glen Road, he would see that the new social clause is in place there. Clanmil Housing is applying it on a voluntary basis, because contracts were signed before 1 January. However, I hope that all other organisations will follow the lead given by Clanmil Housing and adopt a social clause voluntarily in contracts that are already live.

The social clause went live on 1 January 2011 on the newbuild and regeneration sides and is a requirement in contracts since then. However, it is only a requirement in contracts at that threshold under the DSD. I want to acknowledge the assistance of the Construction Employers Federation, and that of Ministers Empey and Kennedy, in making those schemes available. People are coming from the register and are

being employed under various Department for Employment and Learning (DEL) schemes.

Across the rest of government, and under every other Department, the old thresholds are still in place; namely that the main contractor has to employ one long-term unemployed person for each £5 million of project value, and one apprentice for each £2 million of project value. My view is that those thresholds are far too high. So, last autumn I brought in officials and began to interrogate them, if that is not too immoderate a word, on how we could lower the thresholds.

I was told that we could not get it down lower, until, one day, my deputy secretary said to me that he thought we had found the nugget. When you interrogate officials about what has been the prevailing rule and say that you want a different rule, consistent with evidence and good process, you can get things over the line. That is why today I am writing to all my ministerial colleagues, saying that, in my view, the social clauses provision, which is different in DSD from that in any other Department, should be deployed in every other Department.

For every £500,000 of labour spend, we are obliged to employ somebody who is long-term unemployed. I think that we should go further. I instructed officials to tell the Housing Executive that, as with the new maintenance contracts, which will be awarded, as Members know, in late autumn, given that I suspended the process a number of weeks ago, future Egan contracts must contain similar social clauses. The Housing Executive has agreed to that. I also instructed officials to identify how we will deploy social clauses for supplies and services in the Department. That is a bit difficult, because a lot of supplies and services are provided under government frameworks and are not going to fall to DSD. Nonetheless, I asked my officials to identify how we can do that.

The bottom line is that, if the social clause provision in DSD were to be deployed across government, upwards of 1,850 people over four years would have the opportunity for work. That is not many, compared with the scale of our unemployment figures, but, having upwards of 2,000 people in work during the lifetime of the next Assembly as a result of government spend seems to me self-evidently the way to go. I hope that other Ministers will go there with me.

Mrs M Bradley: I congratulate the Minister on his leadership of the British-Irish Council, and, indeed, that of his predecessor, and for introducing social clauses into public procurement. What does he think is the full potential for social clauses, if introduced by all Departments? Has he had any discussions with the Finance Minister or any other Minister?

The Minister for Social Development: My permanent secretary raised —

Mr F McCann: I am sure that you were surprised at that question.

The Minister for Social Development: I was shocked, not just surprised. I was overwhelmed and impressed. I did not write it myself. That last bit is true.

I instructed my permanent secretary to raise the model that we have now adopted with the Central Procurement Directorate. I have some serious issues with government procurement in general, which I raised at Executive level. I asked that we have a review of procurement going forward, because there are issues around, not just social clauses, but procurement generally and, in particular, about how procurement can be legitimately modelled to favour small indigenous and small to medium-sized indigenous employers and organisations. We can, quite legitimately, consistent with European procurement rules, remodel procurement in Northern Ireland in order to advantage, quite properly, the small and medium-sized enterprises (SME) sector.

My permanent secretary raised the issue with the Central Procurement Directorate, from which some of the more radical advice was forthcoming. However, when I was initially told that we could not go in that direction, one or two officials on the procurement side, somewhat to my surprise, said that I could go further. The social clauses initiative came out of that process. As I said earlier, I will be writing to all my ministerial colleagues today, telling them that the model is a live one, it is a start, not an end, and that everybody should follow in that direction.

Ms Lo: I welcome the Minister's comprehensive statement and report of the British-Irish Council meeting. It seems that there is a lot of interest in social clauses in government contracts. Have any of the other jurisdictions represented at the meeting introduced similar social clause initiatives?

11.00 am

The Minister for Social Development: It is fair to say that the model that DSD now has is a more advanced one, in respect of not just our own Government but other Governments. Yes, social clauses are part of the picture as regards contractual requirements in other jurisdictions. However, my sense from other Ministers is that Northern Ireland — or, least, DSD in Northern Ireland — is ahead of the game. They all agreed that the principle of embedding social clauses in procurement and scoping social clauses as far and as wide as possible is the way to go in respect of not just newbuild projects and regeneration but consultancy.

There is no reason why we cannot work up a model that escalates what DSD has done and extends it beyond those who are long-term unemployed to include graduates who are out of work and apprentices who are not able to fulfil their apprenticeship. Whether it is newbuild, services, supplies, consultancy, human resources or finance, social clauses — in respect of the unemployed and/or apprentices and/or graduates — should be part of this Government's narrative going forward. We in DSD have taken some useful steps, but we have not finished our journey. I hope that everyone will go down that path.

Mr S Anderson: I thank the Minister for his statement. There is great value in representatives from across the UK and the Irish Republic meeting in this way. I am interested in a number of issues that were dealt with at the meeting. One issue that was raised is mobility in social housing, which can be a problem. Can the Minister provide any more detail on how he intends to further explore the home swap scheme in Northern Ireland?

The Minister for Social Development: I thank the Member for that question. As I said, there was useful discussion on social mobility.

As the Member is probably aware, the London Government have various views on social mobility, some of which I do not necessarily agree with. An example of social mobility that I would not advocate anywhere in these islands is the notion of managing and capping housing benefit, which, in London, for instance, forces people to live beyond greater London. Due to the pressures that are put on people in respect of their housing budget, they are obliged to move out of somewhere where they may have lived for generations or for

a long period and go outside greater London to find affordable housing. We need to be careful about social mobility.

Secondly, we must acknowledge that it is a voluntary thing. To be fair, the representative of the London Government — the director of housing standards, Mr McDonald — said that it was a voluntary approach. People should not be required, through financial pressures or any other mechanism, to move from one part of the country to another part. It has to be voluntary.

Thirdly, we have to acknowledge that Northern Ireland might be a little different. Given the history of this part of the world and the fact that people in Belfast and other parts of Northern Ireland have tended to live in single identity areas, through no fault of their own but as a consequence of conflict, social upheaval and all the other factors with which we are all too familiar. We have to be mindful that social mobility models, which we should exploit and explore, need to be fit for purpose when it comes to one or other jurisdiction. That is certainly the case in respect of Belfast and other parts of Northern Ireland.

Fourthly, officials are gathering information on social mobility models. There are house swap schemes, but they seem to be somewhat fragmented. They seem to be web-based, fragmented and not co-ordinated. If there are opportunities for people to move from one part of the city to a different part of the city or from one part of the country to a different part of the country, those opportunities do not seem to have been developed in a very cohesive way. As I recall — I am subject to correction — officials are collating all the house swap models and opportunities, in order to identify whether that approach can be explored and developed further. There is no doubt that that model would have some role to play if it could create better housing opportunities either through people downsizing to free up a larger property or moving from one part of the country to another for reasons of personal choice, employment or other good grounds. We shall certainly explore and exploit that. However, we are mindful that local jurisdictions would have to model that to suit their circumstances.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. I understand that social clauses were successfully introduced in Wales. The

Minister mentioned that a Passive House project in Newry was showcased, and that is a welcome and innovative project. An energy efficiency audit was also done in the same area. Based on the projected success of the Passive House project, is there an intention to extend that even further?

The Minister for Social Development: I thank the Member for his question. I confirm that a retrofitting scheme involving a block of five houses in Newry will take place. One of the properties will be a Passive House development, and the other four will be upgraded to various energy efficiency standards. Arising from that exercise will be a robust analysis of the energy efficiency advantage and the cost consequences. It is only when we have a sufficient evidence base on the value of energy efficiency interventions and on the cost comparisons with other energy interventions that we will be able to draw a conclusion about whether that model can be rolled out. This is the first time that that will be done in Northern Ireland. Clearly, it would be easier to do it with newbuilds than existing stock; however, using existing stock will enable us to gain some useful learning that will determine whether we should take the model further.

The principle behind this is that we should bear down on the three causes of fuel poverty in Northern Ireland: low income; high energy costs; and poor energy efficiency. It has previously been the case that government tended to concentrate on the latter, and we should continue to concentrate on that. However, following representations from various Members, I confirm that the budget for the warm homes scheme will be increased over each of the next four years in recognition of the fact that the problems of energy efficiency and fuel poverty are acute and growing. If there is some learning to be gained from that model, I have no doubt that the future Minister for Social Development will try to apply that positively.

Mr A Maginness: I thank the Minister for his statement. I am interested in the work being carried out by the Scottish Government on alternative financing opportunities for housing. Does the Minister wish to outline or expand on some of those ideas? That matter is of great interest to the House.

The Minister for Social Development: I thank the Member for that. The Scottish Government

have made some useful interventions and innovations. However, the Northern Ireland Government still have work to do on financing options that we need to get over the line. Since July 2010, I have been trying to get a consultation on developer contributions out the door. Without prejudice to what model might be used and when that might be deployed, given the economic circumstances of Northern Ireland, the issue of developer contributions needs to be addressed now. Similarly, I am awaiting a PWC report on a leasing model. That model will provide an opportunity to explore alternative financial models that are very consistent with what the Scottish Government are doing.

In summary, the Scottish Government are throwing the net very wide, just as we did during the years of Margaret Ritchie's leadership of the Department, and trying to turn over as many stones as possible to see whether any models of tenure or funding are appropriate. The scale of what they are suggesting is that they have 22 pilot schemes, 11 of which are already live and 11 of which they intend to roll out. Working with local councils, housing associations and the private sector, they scope out ways of financing housing with various tenures with government, state and non-state assistance. Interestingly, they are trying to identify what models work best, whether particular innovative models will work in an urban or rural location and new ways to work with the private sector in bringing forward funding. We will see where all that goes. However, it is my sense that Alex Neil is one of the more innovative and thoughtful Ministers I have come across, and the Scottish Government are engaged in a very interesting project.

A lot of that work is paralleled by the work of DSD. We now have three procurement groups for housing associations, which, through all their activities, are meant to procure collectively. That is work in progress that will drive down costs and make housing associations much more efficient in their internal costs and building costs. The fact that we are now building a third of our properties on government land drives down cost. The fact that Margaret Ritchie launched an initiative to draw down money from the bond market and the European Investment Bank is also an example of that. Margaret Ritchie reduced the level of housing association grant going to housing associations, and we will push that further over the next short while. When it comes to innovation in the housing

sector, all that work demonstrates that DSD is the co-leader with Scotland, if not ahead of it, in that business.

Mr Callaghan: Go raibh maith agat, a LeasCheann Comhairle. Go raibh maith agat, a Cheann Comhairle Conallach. I thank the Minister for his statement. He mentioned details of the proposed home swap scheme. He and other Members will be aware that much of the movement in social housing at the minute is not necessarily a matter of choice but is driven by economic factors, such as joblessness, family and other factors. Will the Minister expand on what cross-jurisdictional dimensions there may be to any proposals that are afloat at the minute around the home swap scheme, such as people having to move from the North to other parts of the island, to the neighbouring island or back home again? Furthermore, given the devastation of the capital housing budget, will the Minister tell us what efforts are being made to expand on the high performance of himself and his predecessor in developing the number of newbuilds that are available for anyone who wants to come back here?

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

Mr Callaghan: I had nearly finished, Mr Speaker. That was the end of my question.

The Minister for Social Development: I thank the Member for that question. That was not in the script. I genuinely mean that. Therefore, I may struggle to answer the first part of it. However, I certainly agree with the second part of the question.

Mr F McCann: Can you remember it?

The Minister for Social Development: Yes.

On a daily basis, it preoccupies me that under the draft Budget, whatever way it is cut or shaped, DSD, in going forward, will be fortunate to build 1,200 or 1,300 houses a year. The Housing Executive, on good authority, confirms that there is a need for 2,500 houses a year, in the context that Margaret Ritchie was able to get more than 1,800 newbuild starts over the line last year, a figure that may well be exceeded this year. That is all happening in an environment in which we are going to have increasing housing stress and need going forward. That does not work. It is inconceivable that we should build 1,300 houses when the

demand is 2,500 and will increase as people lose their home, which is what is happening.

11.15 am

People in Ardoyne have, over the past number of days and at the weekend, received letters from their bank saying that orders for possession were now going to be enforced through the Enforcement of Judgments Office. I know that because people from Ardoyne talked to me yesterday and, in passing, mentioned that a significant number of families received those letters over the weekend, including the sister of one of the people who was in to see me. As I understand it, the banks have been sitting on orders for repossession granted by the High Court and not moving to enforce them because of the economic circumstances. However, the high street lenders and sub-prime lenders have now decided to enforce those judgements because they need to get the capital. Even though house prices continue to decline in Northern Ireland, unlike in other parts of these islands, high street lenders and sub-prime lenders have decided to go in that direction. The consequence is that mortgage stress, mortgage debt and the loss of homes will increase.

In that context — never mind all the other factors that I have outlined — how can we reduce newbuild by at least one third compared with recent years when we need to build more than in recent years? It does not add up. It will be measured in family stress and human misery. That matter needs to be corrected in the draft Budget, and mechanisms need to be put in place to correct it over the next four years. I continue to discuss that matter with the Minister of Finance and Personnel; I did so yesterday afternoon. I hope that, some way or other and without prejudice to the view that I may take on the draft Budget, those matters can become more fully acknowledged and recognised in the Budget.

The Member asked about interjurisdictional opportunities in the house swap scheme. That is a very interesting point that we did not touch on at the BIC. House swap schemes clearly work that way in Britain, but I am not aware of how the schemes work between the jurisdictions in Britain and Northern Ireland or, even more particularly, how they work on this island. The Dublin Government have a model house swap. I think that Minister Finneran referred to that at the meeting, although I stand to be corrected.

How it might work on the island of Ireland never mind between the islands is something that we did not touch on in any great detail. Given mobility on this island and given family and other ties in these islands, it could govern how house swap schemes might work in future. I will ask officials to raise that with officials from the other jurisdictions and identify whether there is something further that we can work up.

Executive Committee Business

Housing (Amendment) Bill: Further Consideration Stage

Mr Speaker: I call on the Minister for Social Development to move the Further Consideration Stage of the Housing (Amendment) Bill.

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

Mr Speaker: As no amendments have been tabled, there is no opportunity to discuss the Housing (Amendment) Bill today. Members will be able to have a full debate at Final Stage. Further Consideration Stage is, therefore, concluded. The Bill stands referred to the Speaker.

Clean Neighbourhoods and Environment Bill: Further Consideration Stage

Mr Speaker: I call on the Minister of the Environment to move the Further Consideration Stage of the Clean Neighbourhoods and Environment Bill.

Moved. — [The Minister of the Environment (Mr Poots).]

Mr Speaker: As no amendments have been tabled, there is no opportunity to discuss the Clean Neighbourhoods and Environment Bill today. Members will be able to have a full debate at Final Stage. Further Consideration Stage is, therefore, concluded. The Bill stands referred to the Speaker.

Wildlife and Natural Environment Bill: Final Stage

The Minister of the Environment (Mr Poots): I beg to move

That the Wildlife and Natural Environment Bill [NIA 5/09] do now pass.

I do not intend to outline in detail the clauses of the Bill. Instead, I simply remind Members that its purpose is to ensure better conservation and protection of Northern Ireland's valuable wildlife and habitats, which will ensure that they remain diverse, healthy and resilient so that we and future generations can derive important benefits from them. As well as benefiting Northern Ireland's environment, those are important steps towards ensuring that we meet our national and international obligations.

The Bill also changes some existing legislation. Changes to the Wildlife (Northern Ireland) Order 1985 will give it greater scope to meet current and future challenges and will provide added protection to a wider range of birds, plants and animals. The Bill includes important provisions aimed at deterring wildlife crime, including providing greater evidence-gathering powers for police and, for the first time, the powers for courts to impose custodial sentences for severe and persistent wildlife crime. The Bill also makes important changes to the Environment (Northern Ireland) Order 2002 to enhance protection for our areas of special scientific interest, many of which contain our highest value habitats, species and other special features.

Although hare coursing was not part of the original proposals, as a result of the Assembly process, the Bill will ban hare coursing. The Bill also makes important changes to our game laws. For example, we will abolish antiquated systems for licensing the hunting of game that date back to the nineteenth century. I firmly believe that the Bill achieves a balanced approach from the viewpoints of conservation and country sports.

The Bill was introduced on 30 November 2009 and completed its comprehensive scrutiny in Committee on 15 April 2010. I thank the Committee for its detailed scrutiny of the Bill. The recommendations in the Committee's report led to positive amendments at Consideration Stage. I also thank Members for their helpful contributions in debates on the Bill throughout its passage. The Bill is testament to the positive

Assembly process and to the importance that we in Northern Ireland place on ensuring the welfare of our environment. The conviction with which Members spoke on both sides of the issues reflects their continuing dedication to making that happen. I appreciate that not everyone achieved everything that they sought from the Bill. However, I believe that, overall, it provides a sound, balanced and practical approach for the future.

In summary, the Bill will have a positive and practical impact on the conservation and protection of our wildlife and natural habitats, which are vital to our well-being. It provides the authorities with the responsibility for and suitable powers to enforce the Wildlife (Northern Ireland) Order 1985. The Bill also provides an appropriate level of deterrent to those involved in wildlife crime. I commend the Wildlife and Natural Environment Bill to the House.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a Cheann Comhairle. I welcome the Final Stage of the Wildlife and Natural Environment Bill — at last. It is evident from the Committee's consideration of the legislation that there are not many issues on which opinions are more tightly held than those related to the management of wildlife and the natural environment. Therefore, it was extremely important that the Committee closely scrutinised this legislation and dealt in facts to underpin its objective consideration and that prejudice and bias were not introduced to our discussions. I believe that the Committee achieved the right balance in its approach.

The key issues ranged from those related to animal, bird and plant species, through the definition of terms to the discharge of firearms — a wide range of issues indeed. It was necessary to consider all those issues in the round to produce coherent, up-to-date and workable legislation. The Committee, in collaboration with the Department and taking into account the views of stakeholders, did just that.

The Committee published its report on the Bill almost a year ago. Anyone who has read that report will have seen that the Committee made a number of recommendations to the Department. To its credit, the Department reacted positively to the majority of those recommendations. In respect of others, it

provided clarification that the Committee considered and ultimately accepted.

A range of organisations responded to the Committee's call for evidence. Through their written and oral submissions, the Committee was informed on key issues, which helped develop the Committee's thinking on the detail of this legislation. I put on record the Committee's appreciation of the time and effort taken by those individuals and organisations to contribute to the process. Inevitably, some groups will feel that the legislation does not go far enough, while others may feel that it goes too far. However, many of the issues covered by the Bill are the subject of views that people hold passionately. We were never going to please everyone. In such instances, not pleasing everybody usually signals that we have got the balance about right.

In developing legislation, rather than achieving what we may perceive to be the perfect outcome, compromises often have to be made to achieve something better. I do not think that any legislation passed in the House has been without its critics, and this Bill is no different. Nevertheless, the Bill provides a sound footing for greater emphasis on the maintenance and protection of wildlife and the natural environment. The Bill simply provides a sound footing and an enhanced framework for the duty to maintain and protect wildlife and the natural environment. The real challenge will come with its implementation, enforcement and monitoring. What advances will the Bill bring to wildlife when in operation? What benefits will it bring to our natural environment? That remains to be seen.

It should be said that, with the anticipated budget cuts for the Department of the Environment and, in particular, the Environment Agency, there are concerns that the legislation could turn out to be a paper exercise. The Committee, those who took part in the consultation and I trust that the Minister will endeavour properly to resource the areas of the Department charged with the implementation of the Bill to see that it is properly enforced.

I finish by thanking my colleagues on the Committee for their commitment to their scrutiny role. Occasionally, members do not see eye to eye, but we maintain a dignified and professional approach to our duties and adhere to established procedures to ensure a balanced outcome, hopefully for the good of those who

put us here in the first place. Here in the North, many organisations and individuals care deeply about wildlife and the natural environment. The Committee is grateful, therefore, for the insight and opinions given by those who responded to our consultation. I hope that they feel that the legislation does them justice. On behalf of the Committee, I thank departmental officials, the Minister and, in particular, Committee staff for their support throughout the process.

Mr B Wilson: I welcome the Bill, which is long overdue. It is time that we had an update to the protection of wildlife. As the Chairperson said, perhaps it does not go far enough. Nevertheless, there is much in the legislation to welcome.

It is important that the Bill will introduce a statutory duty on government and public bodies to take action to conserve biodiversity. In particular, I am pleased with clause 2, which will place a duty on the Department of the Environment to designate and publish a biodiversity strategy, and I welcome the fact that the clause has been strengthened to require the production of a progress report every five years, although we suggested that that should happen every three years.

I welcome the strengthening of controls on the use of snares, particularly the outright ban on the use of self-locking snares to prevent unnecessary suffering. However, in that regard, the Bill does not go far enough. If the Department is serious about preventing unnecessary suffering, the only option is a complete ban on the use of snares. I am more disappointed that the Bill will not give full protection to the Irish hare; nevertheless, clause 38, which will ban hare coursing, is extremely welcome. I have campaigned for that for 40 years, so I am delighted to see that it is finally in legislation.

I also welcome the two new offences that will be created as part of measures to protect areas of special scientific interest, which are an important part of our environmental heritage. Reckless and unnecessary damage to those sites damages the whole community, so it is important that that will now be recognised in legislation. The Bill will increase the powers available to the Department's wildlife inspectors, and enforcement was one of the main considerations in developing the legislation. However, I am concerned that, if cuts have to be made, the Department may

think that it is easier to cut enforcement rather than its general day-to-day business. Therefore, although the legislation will give the Department additional powers, I am concerned about whether, in the longer term, they will be enforced properly.

Nevertheless, with those reservations, I support the Bill, as it will protect —

11.30 am

Mr Weir: Will the Member give way?

Mr B Wilson: Yes, sure.

Mr Weir: I thank the Member for giving way. He highlighted various aspects of the Bill. I may have missed a reference to it, but I am sure that he will join me in welcoming the fact that, when the Bill becomes law, it will also mean that the practice of hare coursing will be made illegal. Everyone in the Chamber should embrace that.

Mr B Wilson: Very much so. Thank you for the intervention. The Bill will protect biodiversity, enhance conservation and prevent unnecessary suffering of animals. So, I welcome the Bill.

Mr Dallat: I begin by thanking the officers of the Environment Committee for the enormous amount of work that they put into the Bill. The Bill certainly required in-depth scrutiny, and we got a lot of co-operation from the Department. I am sure the Minister will be pleased that I am praising his Department; I am absolutely genuine about doing so. The report is well worth while and is firm evidence that our local Assembly works.

The environment is, of course, a partnership between different people. We were successful in acknowledging that, while people are very emotive about particular aspects of the environment, there are others, particularly in the rural community, who believe that their way of life has to be protected as well. So, we have achieved a balance. However, much more importantly, we now have in legislation rules and regulations that bind the Department and the public.

I will give an illustration of how diverse the study was. We considered the protection of basking sharks. In recent times, apart from in Australia, there are not too many of them about. However, they do exist and have to be protected. Snakes and the protection of nests also got a mention, as did snares, which, of course, is a

very emotive issue. The protection of the Irish hare was given prominence. Not only do we have a report that is good for today, we have one that will be good for a long time to come. It is a worthwhile piece of work that has been carried out by the Environment Committee and taken seriously by all sides. In a sense, it is a genuine partnership of all sides.

All the people who gave evidence were given a fair hearing, and, by and large, they have accepted the need for compromise on many of the issues that all of us hold dear and have views on. Out of that, there is a better understanding of the need for education, which, of course, begins in the home and is carried successfully through our schools and into adult life. Whoever is in the Assembly in the future will inherit legislation that will do the Assembly proud for many years to come.

The Minister of the Environment: I welcome the participation of the Members who spoke in the debate today. I note that some people — I am not sure whether they think they are in government or in opposition — did not see fit to turn up today for the debate. Perhaps they can answer for themselves as to why that was the case.

The Wildlife and Natural Environment Bill was long overdue. That is one of the reasons why DOE has driven it forward. My predecessors identified it as an important Bill. The Department of the Environment has put forward one third of all Bills in this Assembly session. We have been vigorous in dealing with issues related to the environment and have been working very hard. I pay tribute to my officials, who have worked on a series of Bills and have been under quite a lot of pressure as a result. However, the Assembly is about delivering for people, and we needed to make important and necessary changes in that area.

The Bill will enhance and help to protect wildlife and habitats. That is absolutely critical. Some people may think that the environment is not very important, but it is very, very important. If we do not have a good environment, it will have major health implications and result in a huge additional cost for Northern Ireland.

Not meeting the obligations set by the European Union will cost the Government in Northern Ireland tens of millions of pounds annually, which will be wasted and paid in fines. I want a system to be set up whereby we can have proper regulation

in place to meet the requirements of European Union directives, while not overburdening people with regulation

The Bill has been widely welcomed not only by groups from the environmental side but by groups that engage in country sports. Many people who take part in country sports have an awful lot in common with environmentalists. Those two groups are not diametrically opposed, and, when people get their teeth into the issues, they have lots in common.

As you well know, Mr Speaker, I am a country boy and am proud of the fact that I was raised in the country. I do not care very much where I am, I am proud of my country roots. I can be taken out of the country, but the country will never be taken out of me. As I was taking my breakfast this morning, several hundred starlings landed in my garden. It was a fabulous sight as they took off into the trees and came down again. A couple of days ago, a beautiful cock pheasant arrived in our garden to look for wheat. We have those pheasants because people from neighbouring properties engage in country sports. Pheasants that avoided being shot made their own life, and, as a result of people breeding them, we have the privilege of enjoying those animals.

There is a tremendous opportunity for us in Northern Ireland to look after our environment in a better and more structured manner and in a way that all of us can enjoy from different perspectives. The Bill will make a considerable contribution to that.

I will comment briefly on the enhanced police powers. People who engage in wildlife crime often engage in other types of crime. The gougiers with their spades and lurchers who are out badger-baiting are often engaged in other nefarious activities. The police would do well to identify people who engage in wildlife crime and go after them. I suspect that, if they can put them behind bars for those activities, they may find that there is a downturn in other types of crime in the area in which those people live. I have no time for people who engage in badger-baiting, dog fighting or cock fighting, and I am absolutely disgusted and repelled by all of those. I welcome the fact that we have introduced a ban on hare coursing, which Mr Weir mentioned. We should move on from that, and I am glad that Northern Ireland is doing so.

All in all, this is a good news day for Northern Ireland: we have a Bill that can properly manage our wildlife and natural environment. I commend the Bill to the House.

Question put and agreed to.

Resolved:

That the Wildlife and Natural Environment Bill [NIA 5/09] do now pass.

Sunbeds Bill: Final Stage

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I beg to move

That the Sunbeds Bill [NIA 18/09] do now pass.

I am pleased that this important Bill has reached Final Stage. I introduced it to the Assembly on 11 May 2010, and the subsequent process of discussion and debate has been extremely productive. I thank the Health Committee and other Members for their careful and detailed scrutiny of the Bill, which resulted in various amendments to strengthen its provisions.

I will remind Members of the main purpose and aims of the Bill. Its key aim is to regulate the sunbed industry to reduce the number of cases of skin cancer and deaths from skin cancer caused by sunbed use. The Bill will eliminate, as far as possible, the use of sunbeds by children and young people under 18 years of age. It will also ensure that adults who intend to use sunbeds are more aware of the risks. The measures in the Bill go further than the legislation for Scotland, Wales and England. I have also included provisions on compulsory training, technical standards for sunbeds and the introduction of a licensing or registration scheme.

In Northern Ireland, skin cancer is a serious health issue. It is now the most common form of cancer, accounting for 28% of all individuals diagnosed. Skin cancer cases have increased, and that is linked to greater exposure of the skin to ultraviolet radiation (UVR) through natural sunlight but also through a substantial increase in the use of sunbeds in recent years.

Many UK, European and global public health organisations have expressed concern about the increase in the use of sunbeds, particularly among young people, because of the associated increased risk of skin cancer and other health problems. The other health effects of UVR damage include sunburn, premature ageing, immunosuppression and eye damage. The International Agency for Research on Cancer has designated sunbeds as a category 1 carcinogen. That puts sunbeds in the same category as tobacco. Approximately 400 outlets in Northern Ireland offer sunbed sessions and, in addition, many people rent or buy sunbeds to use in their own home.

A survey of sunbed premises across Northern Ireland revealed a wide variation in operating practices and poor standards among some providers. The survey also showed that only 16% of sunbed operators in Northern Ireland were members of the Sunbed Association. That fact undermined the option of using any form of voluntary self-regulation as a means of protecting public health.

I am encouraged by the consensus that the Bill has enjoyed in the Health Committee and in the House. In addition to the widespread acceptance of the principles of the Bill, there has been detailed and rigorous scrutiny of its clauses. I thank the Chairperson and members of the Health Committee for their extensive and considered evidence-taking, and I thank those who provided written and oral evidence to the Committee. That evidence resulted in helpful suggestions for amendments and a comprehensive report, which was published by the Committee in October 2010. I also thank Members for their valuable input and comments during the Bill's Assembly stages.

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

We seldom pass legislation in this Chamber that we can say with confidence will have saved people's lives in 10 years' time. As a result of the legislation that will be passed by this House, I am certain that young people in particular will no longer be exposed to the unlicensed, uncontrolled use of sunbeds. That has to be a good thing.

The whole procedure has been a pleasant experience for the Committee, in the sense that its members, the Minister and the officials worked closely together to produce what, in my opinion, will be some of the strongest legislation controlling sunbeds in western Europe. That has to be a good thing. I also think that it is a good indication of what the Assembly can achieve. There are people out there who are quick to criticise us as simply a talking shop and, sometimes, for wasting time, but I have found this a very interesting procedure and one that has borne fruit.

I welcome the Final Stage of the Bill. It is timely and welcome. Having looked closely at what the Bill has to offer, I am confident that it will take us a significant step forward in protecting our young people against the dangers of sunbeds and providing robust legislation to regulate

the use of sunbeds by people over 18 who choose to use them. The Bill will ensure that we have a clear legislative framework within which all sunbed premises will be required to work. Young people in particular are at risk from sunbed sessions. Not only has there been a sharp increase in usage by younger people and older folk, but there is a link between the prevalence of commercial sunbed outlets and deprivation. Indeed, as the Bill has been making its way through the House, I have become much more conscious of the prevalence of sunbed establishments in Northern Ireland. Invariably, one sees them in run-down inner city areas or in parts of our towns beside video stores, hot food takeaways etc, which are clearly linked to areas of deprivation. That is a concern. Here in Northern Ireland, there are too many health issues linked to deprivation, and the Committee is fully supportive of anything that tackles health inequalities.

11.45 am

Young people who use sunbeds endanger their life. Skin cancer is a terrible disease from which to die. Anyone in the Chamber who has had a friend or relative who has died from skin cancer will know exactly what I am talking about. It is dreadful. In Northern Ireland, it is estimated that two or three young people die each year from melanomas directly related to sunbed usage. That is how serious the issue is.

The Bill has been significantly improved and strengthened because of the amendments that the Health Committee persuaded the Department to accept. However, I have to say that the Department did not require too much persuasion; we were pushing at an open door. It was clear that the Department was committed to protecting young people's health through the legislation. The Committee's detailed scrutiny led to it recommending to the Department the amendment of 12 of the 20 clauses. Again, I thank the Minister for his co-operation in that regard and for taking on board the Committee's recommendations. If I were you, Minister, I would bottle that; it does not often happen.

A number of amendments that have been made deserve particular mention because of the importance of the Bill. There was a key amendment to allow for the introduction of licensing. The possibility of a licensing scheme was a major issue that was discussed in Committee. The Bill, as introduced, did not allow

for licensing; it allowed for registration only. Initially, the Department believed that there was not enough time to consult and deliberate on that issue. However, the feeling from members and stakeholders was that, without licensing, the Bill would lack teeth. The Committee, therefore, welcomed the amendment that the Minister has made to the Bill to allow for licensing. The amendment provides for licensing to be introduced by secondary legislation under the affirmative procedure at a later date. That will provide a means by which the Department can properly consult on the details of a licensing scheme with those potentially affected by such a scheme before bringing it to the Committee and, hence, to the Assembly for approval.

An amendment was made to clause 1 to introduce the idea of a restricted zone. Enforcement of the Bill will be carried out by local authorities. The Committee received evidence from Belfast City Council and from the Chief Environmental Health Officers Group on the difficulty associated with enforcing clause 1, as originally drafted. Again, we found that there was a high level of co-operation from the local authorities. Our 26 district councils have to license a huge range of establishments, and they did not see the requirement on them to look after businesses that provide sunbeds as a particularly heavy burden. They suggested the introduction of the concept of a restricted zone in premises where sunbeds are in use. Persons under 18 years of age would be prohibited from entering such a restricted zone. The Committee agreed with that position and welcomed the amendment made to that clause.

Amendments relating to the level of fines and fixed penalties were made. Originally, the Bill allowed up to what is known as a level 4 fine, which carries a maximum fine of £2,500. The Committee felt that that was insufficient to act as a deterrent. Therefore, we were pleased that amendments were made to bring the majority of the fines up to what is known as level 5, where the maximum fine is £5,000.

Other important amendments were made in relation to the information that has to be displayed in sunbed premises. For instance, the information to be given to people hiring sunbeds for home use will state that it is illegal for under-18s to use a sunbed. Every sunbed hired must have a sticker advising people of the health risks and stating that it is illegal for people aged under 18 to use it.

The Committee is delighted to see the Bill coming to its Final Stage. It is a vital issue on the public health agenda. I thank the Assembly; it can congratulate itself on getting the legislation onto the statute book before the end of the current mandate.

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. Sinn Féin welcomes the Final Stage of the Sunbeds Bill. As I said at previous stages, the Committee and the Department have worked together constructively in ensuring that the final result is a Bill that improves public health by highlighting the dangers of sunbeds and providing a robust legislative framework for the use of sunbeds.

The Bill makes sure that there is no ambiguity about the age at which individuals can use a sunbed, what information can be displayed and who can be in the premises or in the restricted zones, as they are now known. Furthermore, as the Chairperson said, there is no ambiguity around the level of fines that will, hopefully, act as a deterrent to those in breach of the legislation. The Committee felt strongly about the fines, and we welcome the fact that the Department has taken that on board.

I welcome the Final Stage of the Bill. It is very relevant legislation that will save lives.

Mr McCallister: Like others, I welcome the Final Stage of the Sunbeds Bill. As the Chairperson of the Committee said, it has been a pleasant experience, because it has been an example of fine work between the Committee, the Minister and departmental officials. It will certainly give us some of the most robust legislation, and it sends out an important message about the seriousness of the risks to public health associated with sunbeds.

We have worked hard on the legislation as a Committee, scrutinising it and working with the Department to amend parts that we felt needed to be strengthened. With the Department, we found that we were pushing at an open door. It has been beneficial, and we have some of the most robust legislation to deal with the problem.

The Chairperson of the Committee for Health, Social Services and Public Safety: The Member probably has the ear of the Minister on many issues, so I ask him to use his influence to drive forward what I see as the final piece of the jigsaw of cancer prevention, which is the display of tobacco products and vending machines.

We have now finished the consultation period on that important subordinate legislation, and, having protected young people from sunbeds, as the Bill will clearly do, we must also now protect them from being exposed to the advertising of tobacco products and from the ready access they gain to tobacco through vending machines.

Mr McCallister: I am grateful to the Chairperson of the Committee for that intervention. I am sure that it will not have been lost on the Minister. I know that there was some dissension in the Chairperson's party on some of those issues but certainly not from him. I know that his commitment to the public health agenda is as strong as my own and that of my party colleague the Minister. We now have robust legislation on sunbeds, and the Assembly and the Minister can take pride in their role in promoting public health, particularly when it comes to the prevention of cancer.

Dr Deeny: I welcome the Final Stage of the Sunbeds Bill and to repeat what Members have said. It has been a great example of working with the Department. The Bill is very important, and we have been very pleased about the way it has gone through Committee Stage and is now at Final Stage. It is a good example to the public that things can be done that will actually benefit the people of Northern Ireland. As a health professional, I am delighted that the Bill has gone through, and it will save lives.

The Minister of Health, Social Services

and Public Safety: I thank those who have contributed today. The progress of the Bill has been greatly assisted by the informed and constructive input in the House and in Committee. The Bill will stop under-18s using, hiring or buying sunbeds; ban unsupervised sunbed premises; warn sunbed users, hirers and buyers about the health risks through signs and documents; stop spurious claims about health benefits; ensure that protective eyewear is worn; ensure that staff are trained; ensure that sunbeds comply with certain standards; and make provision for a registration and licensing scheme to be introduced. Regulations will cover the detail of the registration and licensing scheme; the health information that must be provided; the details of staff training; and the details of sunbed standards.

Mr Wells raised the issue of legislation on tobacco display and vending machines. Like him, I am anxious to bring that forward. Out of

courtesy, I took it to the Executive for clearance before consultation, and it sat in the office of the First Minister for month after month. That is the reason it has been delayed. It is a bit like my adoption Bill, which fell for exactly the same reason. However, I assure the Member that legislation to ban tobacco vending machines and displays is moving forward.

The Bill as it stands to be voted on by the Assembly is a clear example of a Minister and a Committee working together successfully, with a shared aim of improving the health of our population. It is important now to make speedy progress with the subordinate legislation that will bring into effect the key provisions of the Bill.

I thank Members who debated the Bill, whether in Committee or in the House, for their helpful contributions, considered advice and constructive approach to this important legislation.

Question put and agreed to.

Resolved:

That the Sunbeds Bill [NIA 18/09] do now pass.

Budget Bill: Final Stage

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

That the Budget Bill [NIA 11/10] do now pass.

We have had long-into-the-middle-of-the-night discussions and debates on the Bill, and I hope that the lack of attendance in the House today maybe means that we will not get a repeat of the previous two debates. The Final Stage signals the end not only of this financial year but of the Executive's first Budget 2008-2011.

I do not want to take up too much of the Assembly's time. The Supply resolutions debate, especially the 10-hour Budget Bill Second Stage debate two weeks ago, thoroughly explored the issues. That debate focused on the draft Budget for 2011-15 rather than on the principles of this Bill. Let me remind Members that we are approving final departmental spending plans for 2010-11 and providing an advance for the first four months of 2011-12 until the Budget of 2011-15 is debated and approved through the subsequent Budget Bill that will be brought before the Assembly. The 2011-12 Budget has already been well and truly kicked around this Chamber in previous debates that, perhaps, went a little beyond what the Bill was about. The Vote on Account is not based on or connected to the Budget for 2011-12 as detailed in the Budget 2011-15.

I want to spend just a few moments looking back on 2010-11. Very often when we read the press or hear some comments on radio phone-in programmes, we would think that the money spent from the public purse in Northern Ireland has had little or no effect on the lives of people in Northern Ireland over the past year. I take the time, at least once a week, to go out and see the impact of some of the spending that we undertake. I want to highlight some of the achievements of the past year.

The year commenced with the devolution of policing and justice and related budgets to the Assembly. The Bill makes provision for the final 2010-11 expenditure plans for the new Department of Justice and the Public Prosecution Service. We were told that the parties in the Assembly could and would never agree to that, yet completing the devolution process and getting the devolution of policing and justice and subsequent budgets for that is one of the achievements.

I want to recall other achievements financed during 2010-11, if not wholly then at least partly by the Budget Bill. More than £230 million was paid out under the common agricultural policy in single farm payments to farmers in December and January. To reduce the potential of disallowance in future years, the land parcel identification system was funded under the Executive's invest-to-save programme. Hopefully, that should avoid EU fines in future. In addition, £1 million of DARD funding will match funding from BT. That has been invested to deliver increased access to the next generation of broadband services in rural areas.

That will be extremely important in helping small businesses that operate from rural areas with their communications and business plans.

12.00 noon

A new fisheries protection vessel was delivered in December to continue the enforcement of the fisheries regulations in the Irish Sea, and a £2.5 million vessel modernisation and selectivity measure of the European Fisheries Fund has opened for applications from local fishing fleets. That will please Mr McNarry and those in his Strangford constituency as well, of course, as the Member from South Down, whose constituency also has fishing fleets. I will give way should Mr McNarry wish to thank me for the money that is being spent in his constituency, and I hope that I will hear no more nonsense about Strangford getting nothing from the Executive.

The construction of the Titanic signature project building, which is expected to attract up to 400,000 visitors a year, is progressing well. The new Public Record Office building in Titanic Quarter has provided much-needed work for the construction industry and is planned to open shortly. Anyone crossing the bridge over the River Lagan cannot fail to be pleased with the progress of the building and its impact on the landscape. I am sure, Mr Speaker, that on your way in each morning, you see the progress being made on the site.

The development of museums continued with the commencement of a £3 million refurbishment of Cultra Manor at the Ulster Folk and Transport Museum. In August, the first sod was cut on the site of Northern Ireland's first 50-metre pool in Bangor, and work commenced on the visitors' centre at the Giant's Causeway in November.

In August, the Education Minister announced, as a result of the allocation from the June monitoring round, the commencement of work on 13 new schools and the acquisition of a site for another. In addition, £10 million was identified for the maintenance backlog. All of that is good news for the construction sector, for schools and for the modernisation of the school estate in Northern Ireland. Indeed, I had the joy of attending the opening of new buildings at Grosvenor Grammar School. I lamented the fact that the mobile classroom in which I taught for many a year had disappeared and was probably matchwood somewhere. However, the new school has opened on that site. The new Abbey Christian Brothers' Grammar School in Newry and the accommodation for St Dominic's High School in Belfast have been completed this year. The Bill's provision for education is mainly for the delivery of superb education and youth services.

In the field of further and higher education, funding of more than £250 million was made available to the two universities to cover teaching, learning and research. About £380 million was provided for further education to enhance skills and aid employment, with a view to bolstering the local economic recovery. On that note, DETI and Invest Northern Ireland continue to work proactively with local companies and entrepreneurs to help to minimise the impact of the economic downturn and to seek new foreign direct investment in Northern Ireland. I welcome the recent announcement that the law firm Allen and Overy is to set up an office in Belfast. The SAP UK and Intel Corporation's unique joint research initiative reflects their confidence in the IT skills available here and the high value that they place on the opportunity to work closely with our universities.

The party on my right has been critical, in the flimsy document that it produced on the Budget, about the ability to deliver some of the high-skill jobs that were promised. However, the projects that I outlined indicate that the Budget's promise is being delivered on. Many young people now have the opportunity to go to university here before moving on to highly paid jobs for which the rate of pay is well above the average that would normally be available in Northern Ireland. That is part of the economic strategy contained in the four-year Budget to the end of this year.

On the health front, initiatives such as the rolling programme of unannounced hygiene inspections by the Regulation and Quality Improvement Authority has resulted in significant improvements in patient care, where improvements were needed, as well as in the valued daily delivery of health and social care across the country.

In 2011, a number of plans came to fruition. A £53 million critical care building was opened at the Ulster Hospital. Lagan Valley Hospital opened two new gold-standard operating theatres and a midwifery-led unit. A new £15.6 million regional child and adolescent mental health inpatient facility opened at Foster Green, while the Bamford Centre for Mental Health and Wellbeing opened at Magee campus. The latest development at Altnagelvin Area Hospital opened in July and will treat cardiac and stroke patients, while the new Enniskillen acute hospital has continued to progress towards completion in the spring of 2012. Just before Christmas, the first sod was cut at the £4.9 million purpose-built neurology unit at Musgrave Park Hospital.

That is only a short list of some of the things that have been done under the Health Service budget. It puts into perspective some of the comments have been made about the Health Service being starved of funds and not having new facilities, new opportunities and new chances to deliver care to people in Northern Ireland. I could have given a much longer list. It is important to inject that into the debate, especially given the very contentious discussion that there has been on the money that is available for the Health Service over the past year.

Do not forget that the debate over what happens to the Health Service budget next year is not new; we have heard some of the same comments for years. However, I have listed some of the new projects that have been facilitated by the budgetary allocations so far this year.

Turning to roads, no matter where we turn in Northern Ireland, we can witness investment in our roads, not to mention the maintenance and treatment of our roads during the winter.

Mr McNarry: *[Interruption.]*

The Minister of Finance and Personnel: I have looked around the roads in Strangford and they are no worse than roads elsewhere. Even at the end of this difficult financial year, when, as a result of the activities of the friends of the party to my right, we had £127 million taken

out of our budget in the middle of the year, we still found about £11 million extra for the maintenance of our roads. I am sure that the Member for Strangford Mr McNarry has already made his bid to have some of that money spent by Roads Service on his constituency.

We have had a maintenance budget, and additional money was made available for the treatment of our roads during the winter, particularly during the severe weather around Christmas.

I must mention the completion of the much-needed £146 million Dungannon to Ballygawley dual carriageway in December, which will benefit the local and regional economy through improved journey times in the movement of goods and services across Northern Ireland and enhance safety on the route. Anyone who has used that route, as I have on a number of occasions to go to engagements, will know that the dual carriageway has made a vast improvement to journey times and safety, because drivers do not have to sit behind slow-moving traffic and take chances overtaking at some of the windier parts of the road. We hear critical comments time and again in the Assembly, but that project shows the commitment of the Executive to ensure that all parts of Northern Ireland benefit from the spend and that the west of Northern Ireland is not left out of the infrastructure improvements that we do.

Finally, some 2,000 social homes and over 450 affordable homes will be delivered in 2010-11. That is in addition to schemes to improve four of our towns, namely Lurgan, Portadown, Downpatrick — I am sure that the Member for South Down Ms Ritchie will be pleased to acknowledge that — and Kilkeel. I am unsure whether Kilkeel is also in her constituency. My geography on these matters is not very good, but I am sure that she will tell me that that was all down to her hard work.

Ms Ritchie: I am pleased that the Minister has given way. Does he agree that I initiated some of those projects when I was at the Department for Social Development?

The Minister of Finance and Personnel: I will not tell the current Minister for Social Development that his party leader tried to steal some of his glory. He claims that those projects are all his successes, and that he had to take over from the honourable lady and pick up the pieces — well, he did not said that, but he might have.

The building of 2,000 social houses through the house-building programme is quite an achievement for the Department for Social Development. It will also help to reduce the waiting lists for housing, which are on the increase.

Ms Ritchie: Will the Minister give way?

The Minister of Finance and Personnel: The Member for South Down is determined to have her moment of glory. I will not hold her back, and I will give way.

Ms Ritchie: I thank the Minister for giving way again. I am sure that the Minister will agree with me that being able to achieve such targets for social house-building this year is due, in no small measure, to the good work of the current Minister for Social Development and the fact that he was able to carry on, use transfer sites and make the best use of the available money.

The Minister of Finance and Personnel: It was the result of a collective effort by the Executive, which sought to ensure that the available resources are spent to meet the priorities in Northern Ireland. I am sure that when the honourable lady was the Minister for Social Development, she played an important role, as has her successor. However, that success is due to the work of an Executive in which her party, my party, the party opposite, the party to my right, and the Alliance Party collaborate on a regular basis to ensure that we deliver the programme.

As well as the headline-hitting outcomes of the plans that were laid some years ago, the delivery of public services, which are financed by the Bill that is under consideration today, continues day by day. Those services include health, social services, education, policing and justice, environment, transport, culture, social development and the administration of non-contributory benefits, agriculture, and much more.

The financial year 2010-11 was difficult. However, as I outlined in my speech during the debate at Second Stage, we managed the in-year pressures through the monitoring rounds, and even made some allocations to Departments. Mr McNarry has been critical of the way in which we manage some of the in-year pressures, and there have been discussions about whether we should have contingency funds. However, the pressures that emerged during the year — and a significant pressure came as the result of the

£127 million that was suddenly demanded from us in June —

Mr Humphrey: By his friends.

The Minister of Finance and Personnel: Yes; by his friends, as I have been informed from behind. Those and other pressures were met through the monitoring rounds.

We now turn our minds to the end of the financial year. I must stress to Departments and Ministers the importance of achieving maximum spend — this is the balance — and yet not overspending and placing the Northern Ireland Executive at risk of an excess, with the resultant damage to our credibility as an Administration. I appreciate that that is extremely challenging for all Departments, especially in the current constrained fiscal environment, but that balance must be achieved. If we underspend because the end-year flexibility arrangement was taken away from us by the Government, that money will go back to Westminster and will be lost to our Budget, but there will also be penalties if we overspend.

12.15 pm

Looking forward, I turn now to the early months of the next financial year and the many challenges that lie ahead for the next Assembly. As Members are well aware, we enter 2011-12 with a very constrained financial position, both in current and capital spend. I remind Members that that is not as a result of mismanagement on our part; it is not as a result of bad decisions on our part; and it is not as a result of things that we neglected to do. It is the result of the fact that 90% of the money that is spent in Northern Ireland comes in the form of a block grant from Westminster, and that block grant has been cut by £4 billion over the next four years. We must administer that cut. I want to emphasise this again, and I know that I will be accused of making a party political point, but the party that complained most about it was the party that campaigned most for the Government that imposed that cut on us. We must live within those financial constraints, and I am sure that we will hear much — *[Interruption.]*

Maybe Mr McNarry's memory — *[Interruption.]*

Mr Speaker: Order. The Minister must be heard.

The Minister of Finance and Personnel: Maybe Mr McNarry's memory is very short. However, I remember UCAMP, or UCUNF, or whatever it was

called — the Conservative and Ulster Unionist Party alliance. Mr McNarry campaigned on the streets of Northern Ireland for Conservative Party candidates, and he indicated that had he won the seat in Strangford he would have taken the Whip for the Conservative Party and voted for the Budget that we now have to work with. That is the financial constraint that we face.

Furthermore, his party has compounded the situation. After an unsuccessful election campaign with the Conservative Party, his party has now decided that it would like to be the political McDonald's of Northern Ireland politics. It wants to be the franchise for the Conservative Party, the very party that has brought us those cuts. To a certain extent, I suppose that we could almost call the financial constraints that we are facing next year the Ulster Unionists' financial constraints.

Mr McNarry: Go ahead.

The Minister of Finance and Personnel: I just have. Those are the constraints that we will face next year.

On the other hand, we also face inflation and contractual pay pressures that will be difficult to manage, while the much-reduced capital budget — a 40% reduction — will impact on the local construction industry and, hence, on the local economy. Given those constraints, there are a number of things that we must do. First, we must address inefficiency, and there is inefficiency in the public sector. Secondly, we must address waste, and there is waste. During the Budget process, many people came forward to identify where that waste might be. Those things must be done before we consider reducing the level of service that is delivered to people in Northern Ireland.

That is why I asked Departments last April to commence work on savings plans in preparation for such a scenario, and I am sure that it will be raised during the debate. I am sure that the Chairperson of the Committee for Finance and Personnel will raise the issue in his speech. One of the disappointments is that some Departments still appear not to have produced comprehensive saving plans, even though we were well aware a year in advance that some of those things had to be done.

The revised Budget is in its final stages. I call on all Ministers, Departments and parties to put aside past arguments and differences and

put their shoulders to the wheel to deliver for the people, businesses and communities as we move into the next Assembly and next Budget period.

The Chairperson of the Committee for Finance and Personnel (Mr McKay): Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his speech. Members will know that the Budget Bill provides the statutory authority for expenditure in 2010-11, as specified in the spring Supplementary Estimates, which take account of what happened during the year's monitoring rounds. The Bill also includes the Vote on Account, which allows public expenditure to continue in the early part of the next financial year until the Main Estimates for 2011-12 are voted on by the Assembly in early June.

The Committee for Finance and Personnel recommended that the Bill be granted accelerated passage following an evidence session with the Department's officials on 2 February. That evidence session was the culmination of a process of scrutiny by the Committee of in-year monitoring rounds in 2009-2010, which, in addition to a discussion of the Department's position, included briefings on the strategic and cross-cutting issues relating to public expenditure following the outcome of each monitoring round.

Given that the Vote on Account dimension of the Bill relates to the first year of the next Budget period, I will take a few moments to refer to the detailed work that the Committee has undertaken over recent months in respect of the Budget for 2011-15. The Committee has heard from a wide range of witnesses, including representatives of the business and voluntary sectors, economists, academics and trade unions on strategic and cross-cutting public finance issues. In addition, submissions were received from each of the applicable Assembly Committees on the spending and savings plans for their respective Departments.

The key issues considered by the Committee included the basis for proposed departmental allocations; the potential for achieving longer-term efficiency savings; possible areas for new or increased revenue generation; and preventative spending. The Committee's substantive report on the Executive's draft Budget 2011-15, which it agreed and submitted to DFP on 16 February, includes some 45 key findings and recommendations, in addition to

numerous observations and proposals at both strategic and departmental level. The typescript report was laid in the Business Office on 17 February, and printed and online versions will, I hope, be available to all Members from tomorrow.

The Committee expects that the Executive will take on board the report's recommendations in developing the final Budget 2011-15 proposals, and it also expects that the Finance Minister will outline the Executive's response to the report when presenting the final Budget proposals to the Assembly.

Mr McDevitt: I thank the Chairperson for giving way. Will he confirm that the Committee's report will express some serious concerns about very many aspects of the Budget? Will he also confirm that the business community representatives, the construction industry representatives, the trade union representatives, the academic representatives, the community and voluntary organisations' representatives — all of whom the Committee heard from — expressed grave and serious reservations about the quality of this Budget and its ability to deliver for this region?

The Chairperson of the Committee for Finance and Personnel: I thank the Member for his intervention.

I will now speak in a personal capacity. The work of the Committee on this report was lengthy. The report itself was over 200 pages long. There is a lot of good in it, but there is also a lot of constructive criticism. I have not seen any report from a Committee that has come through this House that has been free of constructive criticism. That is the way the Committee should move forward in carrying out its work.

I am opposed to Committee work that has been agreed by all parties being used for party political purposes. This report was referred to at an earlier stage in the debate, when the report was not even agreed or finalised by the Committee. The Committee's work should not be abused in that way.

The report makes a number of positive recommendations. The Committee very much welcomed the joint declaration and work carried out by the Executive, the Finance Minister and the First Minister and deputy First Minister, in conjunction with the Scottish and Welsh Governments, which called on the British Government to reverse its decision to write off

the accumulated EYF stocks. That was raised with departmental officials and the Minister when he was before the Committee. The Committee is also concerned about the British Government trying to renege on the £4.4 billion in capital funding which remains to be paid, and it encourages the Executive to continue to press for a firmer commitment from the British Government.

The Committee supported the Executive's proposal to transfer money from current to capital within the Budget period, as that would help to relieve some of the pressure on the construction industry. In a finalised Budget, I would like to see more money going to capital in the education budget, for example, because there are many schools that desperately need new buildings.

The Committee also welcomed the proposals in the draft Budget to identify alternative means of raising additional revenue, such as the plastic bag levy. The Committee encourages the Executive to explore novel approaches to raising new revenue in order to support public service delivery.

Reference was also made to the issue of preventative spending. There was broad agreement in the Committee that that is a very interesting area of work that needs more research and should be embraced by the Executive and the Minister of Finance and Personnel. Preventative spending has many positive social benefits as well as providing cost savings in the longer term, particularly in areas such as justice.

The Committee recognises the fact that the devolution of corporation tax will itself act as an incentive for potential foreign direct investment companies. When it is deployed, it should be done in conjunction with other DFP strategies. The Committee also welcomed the Executive's engagement in the green new deal initiative, which will have benefits for householders, people on the poverty line and, of course, the construction sector.

The Budget review group has done a lot of work in recent months. All the parties at the Executive table should have been bringing proposals to the review group from day one. It was interesting that the Minister of Finance and Personnel referred to the Ulster Unionist Party's support for the Conservatives in the most recent Westminster election campaign.

During the debate at a previous stage of the Bill, I recall that, when Basil McCrea was challenged about whether he would have voted to implement the cuts, he could not answer the question. The Ulster Unionist Party must clarify whether it would have voted for the cuts if it had had representation at Westminster. I am willing to give way to an intervention on that issue.

Mr Callaghan: On a point of order, Mr Speaker. Is the Member speaking as the Chairperson of the Committee for Finance and Personnel or as an individual Member?

Mr Speaker: The Member has already clarified his position. I often say to Members who are Chairpersons of Committees that it is important to clarify whether they are speaking as a Chairperson or as a Member of this House.

The Chairperson of the Committee for Finance and Personnel: Go raibh maith agat, a Cheann Comhairle. I am willing to take an intervention from the Ulster Unionist Party's MLAs if they want to clarify whether they would have voted for the cuts. To date, they have failed to answer that question when it has been put to them. The £4 billion in Budget cuts will have a serious effect on all members of our community, as the Minister has already pointed out, and the massive cut in the capital budget will hit the construction sector hard. There is a duty on the Ulster Unionist Party to clarify that for members of the community.

The plastic bag levy is an environmental initiative that will raise funds. Of course, the SDLP and the Ulster Unionist Party have already stated that they are opposed to that positive environmental initiative, probably because it is in the draft Budget.

Mr McDevitt: On a point of order, Mr Speaker. Is it in order for a Member, whether he or she is speaking as a Chairperson of a Committee or as an individual MLA, to knowingly misrepresent the policy position of another party in this House? The SDLP is not opposed to a plastic bag levy; the SDLP happens to have issues with the accelerated passage of the Single Use Plastic Bags Bill, which is an entirely different thing.

Mr Speaker: I thank the Member for his point of order. He has now put it on the record.

The Chairperson of the Committee for Finance and Personnel: Go raibh maith agat, a Cheann Comhairle. It is just a case of the SDLP

saying white when we say black, which is a totally disingenuous approach to some of the initiatives that we bring to the House. If the SDLP had brought a similar Bill to the Assembly, we would have had no problem supporting it. The fact of the matter was that, until now, the SDLP supported a plastic bag levy, but now it does not.

Mr McDevitt: On a point of order, Mr Speaker. It is a matter of record in the House. I do not know whether it is appropriate, or in order, for a Member to continually and knowingly misrepresent the position of another party.

12.30 pm

Mr Speaker: I have to say to the Chairperson of the Committee once again that he has expressed his party view. It is on the record once again.

The Chairperson of the Committee for Finance and Personnel: I remind the Member that I am speaking in a personal capacity as a member of Sinn Féin. I am sure that the Member has a variety of views that I disagree with, but he is free to express those in the House. I will not try to stymie him or gag him in any way. Every Member should be afforded that courtesy. It is not only about the draft Budget: there is an election around the corner. The SDLP and the Ulster Unionist Party oppose the draft Budget. They are coming out with all this opposition and their alternative proposals, which seem to be neither costed nor thought out, because there is an election in less than 10 weeks' time.

Mr O'Loan: I am surprised at the Member's remark that our proposals are not costed. May I make a remark about the style of the speech that the Member is giving? When a Member is elected as a Chairperson of a Committee, that is a significant duty for any Member. When a Member makes a speech as Chairperson, there is an expectation that that Member will carry the dignity of the position of Chairperson with him through the rest of the speech. To misrepresent repeatedly the position of this party damages the quality of debate in the Chamber.

Mr Speaker: I remind Members that the Final Stage of any Bill is about its contents, not about what Members hope or think could or should be in the Bill. The Final Stage is about what is in the Bill now, and that is what we should be discussing.

The Chairperson of the Committee for

Finance and Personnel: Go raibh maith agat, a Cheann Comhairle. What I find disgraceful and disingenuous is a party, a Member or whoever taking a draft report from the Committee for Finance and Personnel — a report that has not been finalised or agreed in Committee — and a Member then speaking to it in the House as if it has been finalised. That undermines the Committee's work. Those sorts of actions need to be brought to an end, because that was simply disgraceful.

Mr O'Loan: Since his previous remarks were directed at the SDLP and he then moved on to that point, it is likely that his imputation is intended for, and directed at, me. I, therefore, want to put it on the record that I deny utterly that I disclosed any matter that had not been agreed by the Committee and was still in draft.

Mr Speaker: I encourage Members to get back to the Final Stage. That is important.

The Chairperson of the Committee for Finance and Personnel: Go raibh maith agat, a Cheann Comhairle. I have clearly touched a nerve with some Members today.

In conclusion, the draft Budget for the four years ahead is very important, and we need to approach it in a constructive way. The Budget review group is looking at a number of proposals to generate revenue to offset the revenue shortfall that has resulted from the Tory cuts. That important work must continue. In their papers and economic documents, Members and parties should come forward with proposals on how we can mitigate the impact that the Westminster Budget and the comprehensive spending review will have on our society and community. They have a responsibility not only to publish those documents but to cost their ideas and proposals, bring them to the Budget review group and let us see whether we can implement them and try to mitigate the impact that the Tory cuts will have.

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 first item of business after lunch will be Question Time.

The debate stood suspended.

The sitting was suspended at 12.34 pm.

On resuming (Mr Deputy Speaker [Mr McClarty] in the Chair) —

2.00 pm

Oral Answers to Questions

Enterprise, Trade and Investment

Tourism: North-west

1. **Mr P Ramsey** asked the Minister of Enterprise, Trade and Investment whether she intends to facilitate a cross-departmental plan to maximise the tourism potential of the north-west region, arising from the status of the Derry-Londonderry City of Culture 2013. (AQO 1135/11)

The Minister of Enterprise, Trade and Investment (Mrs Foster): The Northern

Ireland Tourist Board has been working with the Department for Culture, Arts and Leisure (DCAL), Derry City Council, Ilex, Tourism Ireland and VisitBritain to develop a marketing and events programme for the UK City of Culture 2013, to promote the cultural experience on offer in the city and to maximise the tourism opportunity presented by the award. In addition, a Northern Ireland 2012-13 steering group chaired by my Department has been set up to look at the tourism potential of 2012 and the UK City of Culture in 2013. The 2013 award, in particular, offers a major opportunity to change perceptions of Northern Ireland. My officials, along with the Northern Ireland Tourist Board (NITB) and key partners in central and local government, are working on a number of high-profile events to maximise the tourism potential.

Mr P Ramsey: I thank the Minister for her response and acknowledge her contribution over recent years in profiling and developing the Walled City projects. It is important that we maximise the potential of what will be the most important event in Northern Ireland in 2013, and I welcome the important cross-departmental approach that has been taken. However, will the Minister tell the House whether any programme money has been set aside to develop the potential of that event for everyone in Northern Ireland?

The Minister of Enterprise, Trade and

Investment: I thank the Member for his comments.

As I indicated, the Department chairs a cross-departmental group on 2012-13. He is right that 2013 will be a key year for the north-west. However, he will acknowledge that the Clipper race that is coming in 2012 will also be hugely important to the city and to the wider north-west. I am getting increasingly excited about what could happen in the city in 2012, given that there is a very firm proposition to bring the opening of the Cultural Olympiad, which is a huge event, to the north-west. There is also potential for the BBC Sports Personality of the Year award to go to the city on the back of its UK City of Culture status. As I said yesterday, the fact that the Turner Prize is coming to the city in 2013 is an absolutely huge achievement, especially given that it has been based in the Tate since 1984 and has never left Great Britain, and we should all be proud of that. So, there will be a huge amount of activity in the north-west.

During 2012, there will also be a lot of activity around the Titanic story and the visitors' centre at the Giant's Causeway, which are big events that we call tier 1 events. There will, of course, also be tier 2 and tier 3 events. So, a huge amount is going on. As I told the House yesterday, the next Minister of Enterprise, Trade and Investment will have a very exciting time in 2012-13, and I wish whoever it is well.

Mr Storey: I thank the Minister for her comments about ensuring that projects such as the Giant's Causeway visitors' centre benefit from the UK City of Culture 2013 award. Will the Minister update us on the Apprentice Boys memorial hall project? If the UK City of Culture is to progress, it is vital that it does so on an inclusive basis so that no community in the city of Londonderry feels excluded or isolated.

The Minister of Enterprise, Trade and

Investment: I thank the Member for his question and comments. Events right across Northern Ireland should, indeed, be as inclusive as possible. The Tourist Board has now received the first draft of the BDO business plan, which highlights the Apprentice Boys of Derry memorial hall as a key project under what is called the western perspective initiative. The Tourist Board met the CPD and the Apprentice Boys on the 11 February to discuss the next steps and how to drive forward the project.

It is expected that the project will be complete by 2013 and therefore form part of the UK City

of Culture celebrations. I am keen that everyone in the city sees the benefit of that designation. I have no doubt that we will work towards that in conjunction with the partners whom I mentioned in the substantive answer.

Mr Cree: The Minister knows the importance of increasing revenue from visitors. Will she tell us what plans are in place to achieve more revenue from visitors attracted by Londonderry's winning the UK City of Culture challenge?

The Minister of Enterprise, Trade and

Investment: I absolutely recognise the need to increase tourism spending in Northern Ireland. Unfortunately, we are bottom of the regions in that league table for the UK and Ireland. To increase tourism spending, we first need to bring tourists to Northern Ireland. Our biggest market is Great Britain, and, as the Member knows from comments that I made yesterday, I intend to increase our marketing in Great Britain so that we can get the most potential out of those tourists. Secondly, when those visitors come to Northern Ireland, they have to have opportunities to spend their money. Therefore, we need to be able to give them product and goods to purchase when they are here. As a Government, we have spent a lot of money in capital expenditure over the past three years, and we now need to see the return from that capital expenditure. We will do that through marketing plans, principally in Great Britain, but also in Germany, which is now a key market for us.

Investment: Belfast

2. **Mr A Maskey** asked the Minister of Enterprise, Trade and Investment how much funding her Department has allocated to each of the Belfast constituencies in the last five years.

(AQO 1136/11)

The Minister of Enterprise, Trade and

Investment: I recently answered Assembly questions detailing the assistance offered to business and tourism projects for each of the four Belfast parliamentary constituencies. I refer the Member to AQW 3938/11 and AQW 4093/11. In addition, over the past five years, under EU structural fund programmes, my Department has funded local economic development projects in the Belfast City Council area. It has also funded telecoms and energy investment projects across Belfast. However, it is not feasible to provide a breakdown of

the associated expenditure by parliamentary constituency without undertaking significant work.

Mr A Maskey: I thank the Minister for her reply. I appreciate that information has been provided in the past on this question. However, given the historical imbalances, will the Minister give an assessment of the benefit of that expenditure? In other words, have the outcomes improved and is there an equitable performance in the various constituencies?

The Minister of Enterprise, Trade and Investment: Members are often misled when they look at spending in the constituency of South Belfast, for example, because they automatically think that it can be compared to other Belfast constituencies, such as West Belfast or North Belfast. However, South Belfast covers the city centre in which people from across Northern Ireland work. I think that only two wards in Northern Ireland do not have people working in South Belfast. People travel from across Northern Ireland to work in that constituency. Therefore, it is unfair to say that, because, based on the strict figures, West Belfast does not have the same amount of spend as some of the other constituencies it is therefore disadvantaged.

People travel to work, and it is a very short distance from West Belfast to South Belfast — in other words, to the city centre. I urge Members from constituencies in which it may, on the face of it, look as though there is a spending imbalance to think about the fact that it is a very short distance to work in other areas. I live in the constituency of Fermanagh and South Tyrone, yet I work every day in East Belfast. Quite a number of people who live in that constituency come into the city of Belfast for work.

My job is to bring more investment into Northern Ireland so that we can all benefit from it. Today, I announced another 130 jobs at Schrader Electronics in Antrim. Those high-tech jobs will be welcomed across Northern Ireland, because they are another acknowledgement of the skills that we have in Northern Ireland. I hope that Members will recognise that although we are a small region, we punch above our weight.

Mr A Maginness: I have listened very carefully to what the Minister has said. I understand that Belfast is different in some respects from other parts of Northern Ireland in so far as jobs are more accessible in parts of the city. However,

for the past number of months, there has been a significant increase in unemployment in my constituency of North Belfast, and that is compounded by historical unemployment and a low level of economic activity. I ask the Minister to reassure the people of North Belfast that she will look at such areas to see what more she can do to alleviate the situation.

The Minister of Enterprise, Trade and

Investment: I thank the Member for his question. He is the Chairperson of the Committee for Enterprise, Trade and Investment, so he will know that we set aside £18.8 million in the draft Budget precisely to deal with some of the issues that he raised. I am fully aware of the fact that we are now at 8% unemployment. It is not something about which I rejoice. It is precisely to deal with that level of unemployment, which is principally from the construction sector, that we need to look at retraining, at very localised job schemes — perhaps through the social economy — at whether we can do more in the agrifood sector and at whether we can do more with jobs that perhaps would not traditionally be supported by Invest Northern Ireland. That is what the £18.8 million is there to do. I look forward to working with the Member and others in trying to find ways in which we can use that £18.8 million, because I do not want to be handing back any of it. I want it all used.

Ms Lo: I very much agree with the Minister: it is not about sharing investment funding among all the constituencies in Belfast but about having a skilled workforce and making it mobile. What measures has the Minister taken to improve our labour mobility in Belfast?

The Minister of Enterprise, Trade and

Investment: As the Member will know, South Belfast has gained a lot of employment over the past number of years as a result of Queen's University's very strong links. We have been able to bring some global names, such as NYSE, into the city centre. That then feeds into other financial services and businesses so that they can come to Belfast and wider Northern Ireland.

The Department for Employment and Learning (DEL) ran a campaign some time ago called 'C'Mon Over' to try to encourage people who had left here for whatever reason over the past 30 years to come back and look at Northern Ireland as a place in which to work and live. I very much hope that people will do that in

a very meaningful way, because there are job opportunities, particularly in the financial services, the technology sector and the life sciences sector. If we manage to bring some of those people to Northern Ireland, some of whom left in the past for pretty obvious reasons, they will have those opportunities. I rejoice when we bring in global companies, because it sends out a very strong, positive and confident message about the Northern Ireland workforce.

Mr K Robinson: I thank the Minister for her reply, particularly her mention of the new jobs in south-east Antrim at Schrader, which is a very good company. I am delighted that it is still expanding. I will not detain the Minister by extolling the benefits and delights of Newtownabbey, which is a growing area on the fringes of Belfast. Or is it the other way around? Are there any plans to extend the convention and exhibition facilities in Belfast to exploit further the potential of business tourism?

The Minister of Enterprise, Trade and

Investment: I thank the Member for his question. I was very pleased to be with Schrader this morning to announce those jobs for Antrim and for Carrickfergus, which is in the Member's constituency. We have been trying to attract people from the business tourism sector for some time, but our facilities probably need to undergo a step change if we are to attract the sort of business tourism to which the Member referred. We need to take a serious look at whether we need a convention centre — clearly not the size of the one in Dublin but something that will attract conferences into Belfast and the rest of Northern Ireland so that the tourism spend can rise. After all, it is business tourists who spend the most money when they come to visit us here in Northern Ireland. We would love to see more business tourists coming into Northern Ireland.

Energy: ETI Committee Report

3. **Mr W Clarke** asked the Minister of Enterprise, Trade and Investment for her assessment of recommendation 8 in the Enterprise, Trade and Investment Committee's 'Report on the Committee's Inquiry into Barriers to the Development of Renewable Energy Production and its Associated Contribution to the Northern Ireland Economy', which suggests the creation of a single organisation to deal with energy issues. (AQO 1137/11)

2.15 pm

The Minister of Enterprise, Trade and

Investment: I welcome the Committee's report and commend its members for all the effort that has gone into its production. However, I received the document only recently, and detailed consideration is required to do it justice. Therefore, I have not yet reached a final view on any of the recommendations. Recommendation 8 relates to the structures and mechanisms around the provision of advice and support on energy, which will require consideration by a number of Departments currently involved in energy matters and, possibly, by the Executive. From preliminary considerations, it appears that much of the recommendation is ultra vires for DETI, as the Department does not have any authority over a number of the external delivery agencies cited in the report.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her response. What assistance is available for community partnerships and organisations to bring forward renewable energy projects, such as biomass district heating schemes?

The Minister of Enterprise, Trade and

Investment: In relation to the biomass schemes and the anaerobic digesters, we have increased the renewables obligation certificate (ROC) incentives available to anaerobic digesters. A large number of farmers and co-operatives are now looking at whether they can avail themselves of anaerobic digesters to help solve their waste problem and to create renewable energy in areas around Northern Ireland.

On the other matter that he mentioned, it is important and absolutely right that we continue to reach out to communities which want to do something about renewable energy, and my officials always stand ready to help in any way that they can. However, one of the most fundamental issues surrounding community infrastructure is the grid. We need to strengthen the grid. The Committee looked at the need for infrastructure investment. I hope that, right across the House, the need for such infrastructure investment is recognised and we realise that we need to invest in it for the future. For competitiveness, sustainability and all of the environmental reasons, that is the right thing to do, and I hope to get support from across the House when we come to look at strengthening the grid.

Mr Craig: How does the lignite moratorium affect recent planning applications for the extraction of lignite near Crumlin?

The Minister of Enterprise, Trade and

Investment: There has been some press speculation about that matter. The Member knows that I intend to extend the moratorium on prospecting for a further three years. Although nothing has yet been received in my Department, I note that reports of the application describe it as a mining application. It would be difficult to grant a mining licence without any prospecting having been carried out. Mining follows prospecting, so it is difficult to see circumstances in which a licence would be granted for mining in a lignite area if prospecting had not been previously carried out. I know that there are a lot of concerns in and around the area about this matter. I am happy for my officials to meet Members who have specific concerns about those issues, but the matter may have been blown out of proportion a little. I do not think that a licence for mining can be granted unless some prospecting has been done to prove that there is something to mine.

Mr Dallat: Does the Minister agree that, in keeping with the principles and practice of partnership government, no matter who is in the next Assembly, it will be critical to ensure that Departments collaborate closely to overcome barriers to creating jobs?

The Minister of Enterprise, Trade and

Investment: That is absolutely right. Indeed, the Member may recall that the independent review of economic policy stated clearly that the Department of Enterprise, Trade and Investment and the Department for Employment and Learning should come together to try to overcome such barriers. It will come as no surprise to the Member that I support a reduction in the number of Departments. I think that that would make for better government. It was heartening to see independent economic advice support that as the right thing to do. However, that will be a matter for the new Executive and Assembly. I hope that we move in that direction because, and I think that this is the kernel of the Member's question, it would lead to better government and, therefore, help all our people.

Mr Gardiner: Does the Minister agree that it is inefficient for at least six Departments to be involved in energy savings?

The Minister of Enterprise, Trade and

Investment: Again, there is a need to streamline Departments, and my party and I are very much up for that in the next Assembly. We want a reduction in the number of Departments. The Member said that six Departments are involved in energy, which is absolutely right. We have tried to overcome that difficulty with the cross-sectoral advisory group, which is chaired by my Department. However, it would be much more beneficial and a better way to proceed if one Department dealt with all energy issues.

Companies: EU Funding

4. **Dr McDonnell** asked the Minister of Enterprise, Trade and Investment for her assessment of the potential of companies to exploit EU framework 7 funding. (AQO 1138/11)

The Minister of Enterprise, Trade and

Investment: The EU seventh framework programme (FP7) is the world's largest research funding programme. To date, Northern Ireland companies and universities have drawn down almost €25 million, and, as funding ramps up towards the end of the programme, we are on target to reach and potentially exceed our €50 million target. Investment in research and development is central to growing the economy, and, therefore, more companies need to be encouraged to invest in R&D. The framework programme provides an excellent opportunity for companies in that regard, which is why Invest Northern Ireland is working hard to encourage companies to apply for framework funding.

Dr McDonnell: I thank the Minister for her answer. Will the Minister consider creating and allocating adequate resources to a special task force — perhaps there already is one in Invest Northern Ireland, in which case it needs to be much more robust — to ensure that we have the capacity to increase local uptake of the seventh framework programme R&D funding, particularly for small and medium-sized enterprises (SMEs)?

The Minister of Enterprise, Trade and

Investment: I am aware that the Member has carried out significant work in that area, for which I commend him. Recently, he met Invest NI and other organisations to discuss how we can make the most of the framework programme. He will know that, late last year, we had a successful visit from Commissioner Máire Geoghegan-Quinn. Our meeting was very positive, and we were able to build on

relationships with her staff. Rather than setting up a structure, we need to build on that relationship. Nevertheless, I take the Member's point that we need to forge ahead with drawing down money from the European Union. As national budgets get tighter, we need to look at drawing down more funding from Europe.

As part of our strategy to increase awareness of the importance of the framework programme, we will be organising a conference with the European Commission in Belfast in June, and I hope that that will be an important step in involving some of our SMEs in the FP7 process. I know that the process is daunting and that bureaucracy sometimes puts people off from applying, but I hope to tackle some of those issues during the conference.

Mr S Anderson: Will the Minister give us some examples of seventh framework programme successes to date?

The Minister of Enterprise, Trade and Investment: I am pleased to say that an increasing number of Northern Ireland companies have been able to secure funding from the framework programme. One of those companies, Cherry Pipes Ltd, is from Dungannon, and the Member to my left will be very pleased about that. That project, involving several European partners, aims to improve processes for recycling plastic waste, allowing the production of higher-grade recycled materials, so it ticks the boxes on environmental issues and on research and development. Hamilton Erskine Ltd, from Newtownards, is involved with a number of European partners in a collaborative project in the construction sector, a sector that we want to help in any way possible, so it is good and positive that an organisation from that sector is drawing down FP7 moneys, because that is the way to go.

Mr Kinahan: What work is under way through the Northern Ireland European office to influence and ensure that we are part of the development of framework 8 before it is published?

The Minister of Enterprise, Trade and Investment: The Member may not be aware, but it is one of my hobby horses to make sure that we structure FP8 to suit the Northern Ireland SME community and the economy. We are working very closely with colleagues across government to ensure that our businesses and, importantly, our universities are best placed to take advantage of the opportunities

that become available under FP8 when it commences in 2014. I am particularly anxious to see increased collaboration between universities and local SMEs. We have seen some very good examples of universities working with some of our larger companies such as Wrightbus and Bombardier. So, I very much want local small and medium-sized enterprises to work with the universities, and I am working very closely with the Department for Employment and Learning to ensure that we put support mechanisms in place to make that happen. FP7 is very important, and FP8 will be very important as well. We need to be in right from the beginning.

Regional Tourism Partnerships

5. **Mr Hilditch** asked the Minister of Enterprise, Trade and Investment for an update on future plans for regional tourism partnerships.

(AQO 1139/11)

The Minister of Enterprise, Trade and Investment: The draft tourism strategy for Northern Ireland to 2020 advocates tourism delivery to be focused at two levels, national and local, with NITB taking the lead at a national level and the local authorities at a local level. In addition, it proposes examples of key tourism areas or destinations. It is recommended that tourism area plans are developed for each key tourism area. It is for the local authorities to lead in the development of those plans and to define the most suitable mechanism or structure to deliver and to engage with the private sector. Department of Enterprise, Trade and Investment (DETI) and NITB officials have begun a series of meetings with each key tourism area to discuss their plans and how each area can link into the arrangements for delivery of the tourism strategy.

Mr Hilditch: I thank the Minister for the answer. I declare an interest as a member of Carrickfergus Borough Council and as a retiring director of Causeway Coast and Glens Tourism. Given the potential for larger local government clusters to emerge through the ongoing work of the review of public administration (RPA), does the Minister consider that delivery may become unwieldy or may even be duplicated?

The Minister of Enterprise, Trade and Investment: Duplication is the one thing that I do not want to happen, because that would be a waste of government funds. Frankly, I wanted the

tourism strategy to address duplication and the fact that so many people at different levels are trying to deliver a tourism product. So, through RPA, there is an opportunity in the future to try to get different clusters together to deliver in their particular areas. However, I do not want to be prescriptive and say that what works in the Causeway Coast and glens area will work in the Fermanagh lakelands area. So, there needs to be a coming together and a discussion about how best to deliver for the local areas.

Mr McDevitt: Given my concern and that of others, which I am sure that the Minister will share, about the potential impact of an increase in air passenger duty on our tourism sector at a regional level, I want to ask the Minister specifically about the proposal to re-cluster tourism partnerships. Will she be open-minded about seeing the opportunity to do that on a cross-border basis where it is common sense to do so?

The Minister of Enterprise, Trade and

Investment: I am sorry that the Member did not hear what I said originally, which was that the Northern Ireland Tourist Board will look after the national level, which is Northern Ireland, and other areas will look forward at a local area. If those local areas feel that they need to have relationships with bodies across the border, it is quite open to them to do so. However, I do not think that we should create more bodies for the sake of it. We should have a good tourism strategy and deliver it well at a local level. If there is a need for cross-border workings, that should happen, but not with an overarching “ugly scaffolding”, to use a term that the Member’s former party leader used at one time. We need to see delivery for tourism.

2.30 pm

Environment

Mr Deputy Speaker: Questions 5, 9 and 11 have been withdrawn and require written answers.

Business Rates

1. **Ms M Anderson** asked the Minister of the Environment to outline any discussions he has had with his ministerial colleagues about protecting retailing and town centres

by introducing a rates deferment scheme for businesses affected by the economic downturn.
(AQO 1150/11)

The Minister of the Environment (Mr Poots):

Although rates deferment is a matter for the Finance Minister, I understand that the Executive have no plans to introduce such a measure. In addition, new primary legislation would be required to give effect to such a policy.

Ms M Anderson: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for that brief answer. As he will know, such a scheme is in place for pensioners so a precedent exists. Will he agree that, particularly given the economic downturn, it does not make sense to force businesses to go under by forcing them to pay a rates bill when that could be deferred until they have recovered?

The Minister of the Environment: When Nigel Dodds was Finance Minister, he introduced a small business rates relief scheme, so there is an existing model for us to work from. Some businesses are calling for the scheme to be broadened and expanded, and the Executive could look at that in the Budget. One potential mechanism for funding such a scheme would be the introduction of a differential rate for out-of-town shopping centres so that such centres, which have free parking and so on, would pay higher rates. That money could be used for the benefit of city centre and town centre traders, who are suffering as a result of the economic downturn and the movement of shoppers to out-of-town shopping centres.

Mr Dallat: The Minister has hit the nail on the head. Out-of-town shopping centres have an inbuilt advantage, beginning with the planning fees and, of course, the rates that they pay. Will the Minister accept that, not only in Northern Ireland but in different parts of the world, there are real problems for small businesses in town centres? We need to look radically at how we can renew and keep alive those businesses, particularly in the times of economic depression that we are experiencing now.

The Minister of the Environment: We are changing the planning fees. People who wish to develop large shopping centres will pay considerably more and will not be subsidised from the public purse as has been the case heretofore. We can also look at the potential for opening up bids on a statutory basis. Minister Attwood has gone out to consultation on that.

I have said that I support the introduction of bids, through which we can provide better town centres and better opportunities in them at a very modest cost to the ratepayers.

Northern Ireland Environment Agency: Revenue

2. **Mr Cree** asked the Minister of the Environment what consideration he has given to additional revenue-raising options for the Northern Ireland Environment Agency. (AQO 1151/11)

The Minister of the Environment: The Northern Ireland Environment Agency currently raises £6.8 million revenue from environmental regulation and licensing regimes and through admissions and retail sales at state-care monuments, café franchises at country parks, grazing rent, site leases and other miscellaneous commercial activities. To examine the potential for further revenue-raising options, the agency has established a commercial opportunities group, which is currently assessing options.

Mr Cree: I thank the Minister for his response. Given the difficult budget situation, does he believe that his Department could be exposed to any EU environmental infraction fines because of the cutbacks?

The Minister of the Environment: There is always that issue and difficulty, so it is imperative that the Department of the Environment's budget has a decent baseline. Therefore, when other Members and Ministers say that £400 million should be taken away from all other Departments and put into the Department that their party holds, they could put Northern Ireland at risk of losing tens of millions of pounds in EU fines in order to, perhaps, fund the Health Service when they have not taken the difficult decisions that others have had to take.

Mr I McCrea: The Minister explained that the Environment Agency generates £6.8 million. Will he detail the impact that the Tory/Unionist Party cuts might have on any future possibility for the Environment Agency?

The Minister of the Environment: I see Mr McCarthy waving his Order Paper, but it should not be forgotten that the Alliance/Liberal Democrats are in on the cuts as well. Mr McCarthy should not wave his papers; his party is equally guilty, as it is the sister party of the franchisee.

The reality is that we will lose £4 billion over the next four years. That has left us in a very difficult situation, and every area in Northern Ireland will be impacted on as a result. We must seek to minimise that impact by reducing bureaucracy and costs. This place is a good place to start, by reducing the number of MLAs and the number of Departments. Are other parties prepared to come with us to reduce the costs, to give the lead from this House, to reduce the number of Departments and MLAs and to step up to the mark?

Mr McDevitt: I hope that the Minister for the Environment will answer my question and not the Minister for Finance in waiting. What conversations has the Minister for the Environment had with the Minister for Enterprise, Trade and Investment about the possibility of generating extra revenue for the Environmental Protection Agency through tourism activity?

The Minister of the Environment: I must correct Mr McDevitt: I am actually the Minister of the Environment, not Minister for the Environment. We are in discussions with other bodies about opportunities around facilities such as Carrickfergus Castle and Hillsborough Fort to ensure that those facilities are appropriately used and marketed and to see if we can join others and demonstrate real savings and introduce additional income streams. Those are the types of area that we need to look at. That work is ongoing.

Local Government Reform

3. **Dr Farry** asked the Minister of the Environment to outline his Department's response to the local government modernisation consultation. (AQO 1152/11)

The Minister of the Environment: The closing date for responses to the policy consultation on local government reform that I launched in this House on 30 November 2010 is 11 March 2011. Therefore, it would be presumptuous of me to outline a response before I have considered the views expressed by the consultees.

Dr Farry: I remind the Minister that one of the key areas where we could reduce cost is in the delivery of the review of public administration. In the interests of moving things forward, will the Minister accept that, as has been outlined as one of the key aspects of the consultation

document, there is a need for a proper compact between the Assembly and local government to ensure that they work in partnership, rather than create needless tensions around funding, for example?

The Minister of the Environment: It is critical that we work in partnership with local government. There is complementarity between the work of Belfast City Council's regeneration office and the work of DSD's urban regeneration team, but there may be overlap in some of those circumstances, and there may be opportunities for the councils to carry out more of that work. In the work that the rural development teams do in the local action groups through the councils and the work that DARD is doing with its thousands of employees, is there an opportunity to demonstrate efficiencies? While we do what we are doing in local government, given the additional time that we have, should we look again at some departmental responsibilities to see whether councils could deliver some of them more efficiently?

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. On a specific issue to do with a particular local government authority, namely Omagh District Council, will the Minister comment on the fact that the council has decided to lease lands in Carrickmore to Éire Óg hurling and camogie club, which is a local sports club? Will the Minister sign off on that without further delay? For months, his delay has prevented that club from applying for sports grants. That is a local government matter.

Mr Deputy Speaker: Order. That has nothing whatsoever to do with the question at hand.

Mr McElduff: It is a local government matter.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fheagra, agus ba mhaith liom an méid seo a leanas a fhiafraí de. Will the Minister ensure that equality safeguard mechanisms are in place in statute before any local government modernisation legislation is brought forward?

The Minister of the Environment: That is, of course, what this is about. The consultation is about introducing to councils an ethical standards regime and codes of conduct for councillors. It is about sharing responsibility. The document has looked across a range of issues. I am not sure whether the Member has had an opportunity to read the document, but,

when he does, he will, perhaps, fully understand that that is the nature of the document.

Mr Kinahan: Following in the line of the RPA and the ongoing changes, has the Minister had consultations with other Ministers to get a cumulative picture of all the work that is being passed to councils and the resources that are needed?

The Minister of the Environment: I have always maintained that, whatever functions are transferred to councils, finance must follow function. Therefore, the money that Departments spend on a particular function is what should be allocated to local government, and it is for local government to do that job with the funding that is made available to it. It is up to local government whether it wishes to invest more. It is also up to local government whether it can deliver the function more efficiently and achieve savings from it. We need to work from what the government budgets are before we transfer them to councils, and we need to allow councils to carry out their jobs thereafter.

DOE: Capital Budget

4. **Mr Gardiner** asked the Minister of the Environment for his assessment of whether his capital budget for the next four years will be sufficient to meet the demands placed upon his Department. [R] (AQO 1153/11)

The Minister of the Environment: My Department has been allocated total capital funding of £23.6 million over the four Budget years. Almost 50% of that funding, £11.6 million, is for the strategic waste infrastructure fund and the Rethink Waste fund. I can confirm that the £2.3 million to be allocated to the strategic waste infrastructure fund will provide a significant proportion of the necessary funds to enable the waste projects to reach financial close. Furthermore, the £9.3 million to be allocated to the Rethink Waste fund will provide funding to councils for initiatives that will help to boost waste recycling and reuse.

Some £4.2 million of the total capital funding proposed for my Department will be used to further develop the Northern Ireland driver licensing scheme to ensure compliance with the new measures to be introduced by the third EU directive on driver licensing by January 2013. My Department has also been provided with £1.5 million from the Executive's invest-to-save

fund for the Roe Valley hydroelectric scheme. The remainder of the proposed capital funding is necessary for a range of internal business-critical capital projects.

Mr Gardiner: I thank the Minister for his response. Given the great reduction in the capital budget, can the Minister detail how local councils will be affected?

The Minister of the Environment: Previously, £200 million was set aside for the capital waste infrastructure fund. We have looked at and addressed the issue and have had discussions with waste management groups, and it was established that it would be better if that funding were made available on a recurrent basis, because most of them are involved in PPPs. The requirement for recurrent funding will not kick in during this financial year, and it will probably not kick in in the next financial year either. In the third financial year of the Budget period and thereafter, we will, potentially, be in a position in which recurrent funding will be required. In that sense, the £200 million was not the right model for delivering the waste infrastructure programme, and we are currently in negotiations with DFP to seek a way forward on recurrent funding.

Mr Callaghan: Go raibh maith agat, a LeasCheann Comhairle. The Minister will be aware that, in its Budget response, PWC suggested that the Department would no longer be in a position to fund site purchases or to finance projects and that that would create potential cost implications for local government. Further to the answer that the Minister has just given to the House, can he outline any discussions that he has had with local government about ways to mitigate any such potential impacts of the current draft Budget?

2.45pm

The Minister of the Environment: We have been engaged with the three waste management groups in particular, because that is what the large capital budget had been set aside for. As I indicated, it was identified that the best way forward was through recurrent funding for the PPPs. There may be a requirement for a small figure, in government terms, of some millions of pounds to acquire a site for one of the waste management projects, but we certainly do not need a £200 million capital budget to deliver the waste infrastructure programme.

Mr Deputy Speaker: Question 5 has been withdrawn.

Plastic Bag Levy

6. **Mr Savage** asked the Minister of the Environment what contingency measures are in place if the plastic bag levy does not raise the revenue anticipated. (AQO 1155/11)

The Minister of the Environment: A plastic bag levy can only be implemented once the relevant legislative powers are in place. It will also be necessary to establish a means of collecting the revenue, which will inevitably give rise to implementation and administration costs. The Executive's draft Budget 2010 allocation for my Department includes a receipt of £4 million, based on the potential income that would arise from the introduction of the plastic bag levy. The Department's proposed budget has, therefore, been reduced in each of the Budget years by that amount, and that amount has been reallocated to the green new deal.

As the timing quantum of the revenue that may be raised from the plastic bag levy is still uncertain, the range of environmental programmes that have been identified in respect of river restoration, environmental noise, marine resources, mineral mapping, fly-tipping and repatriation of waste may have to be suspended or postponed pending revenue from the plastic bag levy. My officials will continue to explore alternative funding or delivery options for those programmes, but it may be necessary to postpone some of the environmental projects while monitoring the risk of potential EU infraction. Should the risk of infraction increase, my officials will seek to reprioritise work from across the wider Department and ensure that elements of the environmental projects are taken forward, to minimise that risk.

Mr Savage: I thank the Minister for his detailed answer. He will know that my party has severe reservations about the Single Use Plastic Bags Bill as it stands. Given that he has already committed to spending the money that he hopes will be raised, will he detail how he will prioritise the areas for expenditure if the worst case scenario happens and the money that they hope to generate falls short of expectations?

The Minister of the Environment: I have no doubt that, if we introduce the plastic bag levy, it will bring forward a fairly significant revenue

stream. Currently, 190 million plastic bags are used in Northern Ireland. Even if there were a 75% reduction at 10p a plastic bag, that would still raise just short of £5 million. There is a significant opportunity to raise revenue through that. The green new deal is to the benefit of the people of Northern Ireland. It will benefit people who are living in fuel poverty, and it will benefit our environment by reducing the amount of carbon going into the atmosphere. The aspiration of having an environmental levy that is reinvested into measures that can be of benefit to the environment is a good one.

Mr P Ramsey: Has the Minister made any formal bids to the Executive to find the necessary funding to break the funding link between important environmental projects and the plastic bag levy?

The Minister of the Environment: I have been in discussions with the Department of Finance in relation to the next financial year, as I do not believe that there will be any revenue raised through a plastic bag levy in 2011-12. I am hopeful that we will get some funding to cover that period.

River Basins

7. **Mrs D Kelly** asked the Minister of the Environment when the river basin management plans will be published. (AQO 1156/11)

The Minister of the Environment: The Northern Ireland Executive approved the publication of the river basin management plans for the north-western, Neagh Bann and north-eastern river basin districts at their meeting on 5 November 2009, and those plans were published on 21 November 2009. Publication of the river basin management plans is a requirement of the water framework directive, and all 27 EU states were required to publish similar plans by that date. The river basin management plans were formally launched at a reception in the Belfast Harbour Commissioners' office, Corporation Square, Belfast, on 21 January 2010.

Mrs D Kelly: I thank the Minister for that information. Perhaps the Minister will outline the next steps that are required not only to protect habitats but to meet EU directives.

The Minister of the Environment: Nine local area management plans are being developed and will be operational in 2010-11. They cover Ballinderry, Burndennet and Foyle, Bush, Lagan,

Lough Neagh, Lower Lough Erne, Owenkillew, south Down and Strangford, and Lecale. We are producing a local management area plan for the upper Bann that will be developed and made operational in 2012-13, and it is planned to make it available on the NIEA website in the autumn of 2012.

Mr K Robinson: Will the Minister take on board the fact that river basins are also in urban areas? Many urban streams and rivers are beginning to be regenerated by angling clubs etc and are subject to pressure from extensive housing developments. Will the Minister take that into consideration when dealing with river basins?

The Minister of the Environment: Of course; it has been taken into consideration for many years. When a developer comes forward with a proposal and Water Service says that it does not have the sewage capacity to deal with it, the development cannot proceed or the developer has to take alternative steps to deal with that sewage, if he wishes to proceed, to ensure that rivers are maintained in a clean way. I mentioned that the River Lagan was a local management area. Of course, the River Lagan runs through Lisburn on its way to Belfast, which is the largest conurbation in our country.

Climate Change

8. **Mr W Clarke** asked the Minister of the Environment what initiatives his Department will propose to address the concerns of the public in relation to climate change as highlighted in the environmental statistics report. (AQO 1157/11)

The Minister of the Environment: Climate change presents a challenge for Governments and citizens across the world, and the UK is in the lead in facing that challenge. The Climate Change Act 2008 introduced the world's first long-term binding framework to tackle climate change. My Department and I work closely with the UK Government and with the other devolved Administrations on developing domestic, European and wider international policies and strategies to address the threat posed by climate change.

In Northern Ireland climate change is the responsibility of all Departments. To co-ordinate that effort and to ensure full participation across government, a cross-departmental working group on greenhouse gas emissions was established in 2010 under my chairmanship as Environment

Minister. The principal objective of the group was to agree a cross-departmental action plan setting out the strategic approach and actions to be taken to meet the greenhouse gas reduction target in the Programme for Government. The group concluded that the Executive's Programme for Government target to reduce greenhouse gas emissions by 25% below 1990 levels by 2025 will be met and possibly exceeded. Northern Ireland is also preparing for our changing climate through three main work streams: the provision of evidence relating to climate change; raising awareness about climate change while helping others to take action; and ensuring and measuring progress on climate change adaption.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for that response. He spoke about people helping themselves. What resources will be made available to local authorities to enable them to mitigate the impact of climate change?

The Minister of the Environment: We are not making resources available to local authorities other than assisting them with expertise and expert advice. Like everyone else, local authorities have a contribution to make to ensuring that we meet the requirements of the Climate Change Act 2008. In their work, whether in transportation or facilities management, local authorities need to reduce the carbon that they produce. It will be the role of local authorities to reduce the carbon that they produce. That is not necessarily punitive. Dungannon and South Tyrone is a fine example of a local authority that has a landfill facility from which it catches methane and uses it to produce electricity. That demonstrates how a local authority can reduce the amount of carbon going into the environment while generating an income for the council. That is a logical way forward.

Mr O'Loan: The environmental statistics report also showed growing public concern about the impact of household waste disposal. What further does the Minister feel that he and his Department need to do to allay that growing concern?

The Minister of the Environment: Our target is to divert 50% of waste from landfill by 2020. That target will, I believe, be not merely met but exceeded. The current level is about 36.5%, which is significant given that we started some nine years ago at 5%. We are making real

progress. A number of councils are leading the way, and I trust that others will follow. I am prepared to look at rewarding councils who do well and punishing those who do less well, so that Northern Ireland is not dragged down by councils who do not step up to the plate. My intention is to revisit the targets. I do not think that the 50% target set by the EU is testing enough for Northern Ireland. We should aim for a higher target of 60% of waste or more going for recycling or composting. That would be financially beneficial.

Mr Deputy Speaker: Question 9 has been withdrawn, Paul Givan is not in his place to ask question 10, and question 11 has been withdrawn.

Companies: Environmental Practice

12. **Mr Storey** asked the Minister of the Environment what action his Department has taken to encourage good environmental practice in companies. (AQO 1161/11)

The Minister of the Environment: My Department has carried out various activities aimed at encouraging good environmental practice in companies: sponsorship of WRAP to work with business in various sectors to deliver increases in recycled materials; development of a better regulation programme that has as its key aim helping the Northern Ireland economy through modernising and simplifying the regulation of business through guidance; sponsorship of NetRegs, a trusted free source of guidance on environmental legislation for UK business; supporting the UK-wide voluntary agreement with the major supermarkets to work towards a 50% cut in the number of single-use carrier bags given to customers; the Rethink Waste communications campaign, which aims to raise awareness, encourage best practice and achieve behavioural change, with dedicated sections for households, businesses and the community and education sectors in Northern Ireland, to reduce the amount of waste sent to landfill; the aggregates levy scheme; the EU emissions trading system; the carbon reduction commitment; the energy efficiency scheme; sponsorship of the Northern Ireland environmental benchmarking survey carried out by Business in the Community's ARENA network; and delivery of a series of seminars to raise awareness in businesses of environmental regulations.

Mr Storey: I thank the Minister for his detailed answer. Will he include in that list Michelin, in my North Antrim constituency, which has been one of the leaders in encouraging good environmental practice? The message that must go out is that, in many respects, following good environmental practice is not an impediment to business but something that should be encouraged. Michelin is a prime example of that.

The Minister of the Environment: I could not agree more with the Member. Michelin's environmental manager is one of our key advisers and sits on the team that looks at these issues. Michelin is a worldwide brand and, as an organisation, now recycles something like 98.5% of its waste. As a consequence, the large bill that it used to have for sending that material to landfill has been replaced by a large cheque that runs into hundreds of thousands of pounds. These things do not have to be a punishment to business. Rather, good business practice arises from good environmental practice, and Michelin leads the way.

Mr Deputy Speaker: That concludes questions to the Minister of the Environment. We now return to —

Mr McElduff: On a point of order, Mr Deputy Speaker. I have no desire to question your authority. However, is it in order for me to request that you read Hansard and reflect on the relevance of the question that I asked as a supplementary to question 3?

My question was a natural follow-on from Dr Farry's substantive question and subsequent supplementary question, and gave a specific example of tensions between local government and the Department. So, although it was described as not being relevant, I ask the Deputy Speaker and the Speaker's Office to reflect on the relevance of the question, which was about the tension between local government in Omagh, which wants to sign off on a lease to a local hurling club, and the Minister's refusal to facilitate that, for reasons best known to himself.

Mr Deputy Speaker: I thank the Member for his point of order. I will reflect on it, look at the Hansard report and respond accordingly.

3.00 pm

Executive Committee Business

Budget Bill: Final Stage

Debate resumed on motion:

*That the Budget Bill [NIA 11/10] do now pass —
[The Minister of Finance and Personnel
(Mr S Wilson).]*

Mr Frew: We face challenging times and a challenging Budget to go with them in the days ahead. The economic landscape has changed dramatically over the past number of years. Many people in the private sector have found themselves unemployed. The construction sector has suffered greatly, as have the manufacturing, business and finance sectors. Those who are fortunate enough to have a job in the private sector will have faced possible pay cuts of up to 15%. Therefore, it is very important that we, as politicians, get the Budget right.

With the type of government that we have, with five parties involved, it was always going to be difficult to get everything that we wanted in the Budget. There will be bits and pieces in it that we do not like and will be hard to swallow, and there will be risks and dangers ahead. However, the people whom we represent are looking to us to show leadership, to make decisions on their behalf and to push the Budget through after it has been agreed by as many Members and parties as possible.

I have concerns for the construction industry and the manufacturing, business and finance end of things. I am very concerned for the retail sector in our towns and cities over the coming years. As I come from and represent North Antrim, I am particularly concerned about the towns of Ballymena, Ballymoney, Bushmills and Ballycastle, and every village the length and breadth of North Antrim. I know the fears and concerns of the independent retailers in those towns for the year ahead, so it is very important that we try to alleviate those concerns as far as possible.

The level of unemployment in Northern Ireland has more than doubled since 2008, and many in the private sector have lost their jobs. That can clearly be seen in the construction

industry, which has lost an incredible amount of manpower. It is clear that our form of government has not helped the Budget process. We need to get to a position as quickly as possible where we have a voluntary coalition in place whereby government would be much more focused in policy, decisions and direction. I would welcome a meaningful debate on that in the new mandate to get to that position as quickly as possible.

We are where we are. It is very important that, while the current structures are in place, we try to work them as positively as possible, because that is what our people expect. Having talked to many people who work in the public sector, they are prepared for this Budget, what it means for them and what it means for society as a whole. People in the public sector recognise the hurt that there has been in the private sector over the past number of years, and they are ready for pay freezes and other such measures.

I welcome the transfer of resources from current to capital expenditure. That will relieve some of the pressure on the construction industry, and the industry will very much welcome that.

I also welcome the proposed social investment fund, which will provide £20 million each year to spend on revitalising our marginalised and most deprived communities, and the proposed social protection fund, which will be funded to the tune of £20 million in the first year and will then rely on additional receipts. Those funds are badly needed to counter the negative effects and outcomes of the welfare reform agenda and to provide assistance and support to those families and communities that will suffer most as a consequence of that agenda.

I have spoken before about how I yearn to see the day when Departments think more about preventative spending. Therefore, I was not filled with confidence when I saw how long it took Departments to develop and publish their savings plans and spending plans. That is a shame, and it has hurt the confidence and credibility of the House and the Executive. It was important that Departments took the consultation period seriously and understood what it meant to the public to be able to respond meaningfully to their plans. From an early stage, the Minister of Finance and Personnel urged Departments to do just that. He stressed how important that was and has been proactive in doing so himself. Departments were asked last May to start work on their savings delivery

plans. The Executive met at Greenmount College on 6 July last year, and Departments were asked to plan on the basis of a 5% cut per annum last May. Therefore, it should have been easy for Departments to publish their plans sooner, and again the character, reputation and credibility of the Executive and the Assembly were damaged by their failure to do so.

It seems that we have tried to protect the most vulnerable in our society in the Budget, while trying to enhance the economy. I stressed that I wanted to see that throughout the process, and I feel that we are as close to that as we possibly could be. We try to be as positive as we can, but we know that the Budget will have impacts on our society, our communities and in the home. We cannot be flippant about that at any stage of the process or as we move into the budgetary term.

The Budget gives a degree of protection to the Department for Regional Development's capital expenditure. That Department has the largest capital budget, at around £500 million, which is 34% of the overall capital spend. However, it is responsible for the transportation networks that are the veins and the arteries of the body that is Northern Ireland and our economy.

We must actively seek and implement efficiencies across the public sector, while rebalancing the local economy and creating the circumstances for private sector growth. This is our opportunity as an Assembly and an Executive to do that. To do that with the form of government that we have, it is vital that there be a joined-up approach and partnership in the House and the Executive, and between the public sector and the private sector, to deliver for our people and for Northern Ireland. We must create a Northern Ireland that is sustainable, successful and socially responsible.

Importantly, the Budget is for a four-year term. The business community, the construction industry and everyone else involved pleaded with the Assembly to publish a four-year Budget, and it gives the local economy and businesses the possibility to forward-plan. Householders up and down our Province know that they are in a bad place, but they are prepared to work at it. They can see the future through the forward planning that is the four-year Budget. We do not need to talk about how bad the situation is, because householders live it day in and day out.

I believe that the Budget will protect the vulnerable in our society and help to grow the

economy so that it starts creating wealth again for all our society to enjoy.

It is clear that the Executive have made it a priority to continue to invest in Northern Ireland's infrastructure and to do as much as possible within the constraints of the Budget and the money that is available as the result of Tory cuts. The contribution that the construction industry makes to the local economy has been well documented and has been proven with many lobbies and debates in the Chamber. Every pound spent in the construction industry realises a wider benefit to the economy of £2·84.

Throughout the Budget process, decisions have been made by individual Ministers and Departments, one of which was to cut £75,000 from Young Farmers' Clubs. I welcome the fact that the Minister has looked at that matter again and has provided funding for the Young Farmers' Clubs. There was deep concern in the rural community about the effect that the cut would have in the countryside while not making a dent in the Minister's budget. It is important that Young Farmers' Clubs continue to receive that level of funding and, if possible, that it is enhanced when things are brighter.

These are challenging times, and this is a challenging Budget. However, we should not shy away from making hard decisions or, even worse, making no decisions at all. We have been placed in the House to represent our people, to work for them, to stand up for them and to make decisions that affect them and their families on a daily basis.

There should be decisive political leadership to create economic stability to instil confidence and provide hope for the future, despite the backdrop of the recession. We need to reduce barriers to private-sector growth and job creation. I believe that the draft Budget does that in the best way that it can. There are things in the draft Budget that we could be concerned about, and there may be pitfalls and dangers. However, if there is a sense of construction in the Assembly, and if we can go forward in a positive manner, the draft Budget will benefit the people in our country.

Mr B McCrea: Thank you, Mr Deputy Speaker.

Mr Bell: Basil.

Mr B McCrea: It is good to see that I got started with the comments from stage left.

We have talked about this matter for a considerable time, and a number of issues have been raised that are worth teasing out. I am disappointed that, although I have been quite generous in taking interventions in some of the other debates, that has not been reciprocated. When people have made statements, they have not sought to argue the point. I have read the Hansard Report and have found that the Minister of Finance and Personnel did not give way on a number of issues. I was surprised at him, as I know him to be an excellent orator and in full command of the detail. I am sure that, under normal circumstances, he would be happy to engage.

One thing that is particularly disappointing is the challenge that comes from Sinn Féin. I notice that the Chairperson of the Committee for Finance and Personnel is not in his place. However, he threw out comments about Tory cuts and that this was a heinous crime visited on us by other folk. He does not seem to realise that, if it were not for our place in the Union, we would not have the money to run Northern Ireland. He does not seem to realise that for every pound that we raise in tax, we spend £2, or that Northern Ireland is part of an economic union that takes its place in the world economy, and that it is constructed in that way. Like many other regions of the United Kingdom — the north-east, Scotland, Wales, the Midlands, and the south-west — we draw money from the Exchequer because that is the benefit of having an economic union. It is pretty rich for a party that refuses to take its seats to castigate the money that comes from the taxpayers of the United Kingdom and allege that we are not able to challenge those things. That party has seats and is in a position to influence those matters, but it does not take those seats.

Mr Givan: I am grateful to the Member for giving way, and I agree with his point. I will continue the point: when we accept the fact that we are part of the United Kingdom and that the money allocated to us comes from Westminster, he will then accept the fact that our Budget difficulties are due to the party for which he advocated that people should vote. That is why we face difficulties in our Budget.

3.15 pm

Mr B McCrea: That is a somewhat strange argument. I agree with the sentiment that our money comes from the block grant and with

points that were made in the past about the Barnett consequentials. I simply wonder why anyone would have any argument. Members on the Benches to my left have continually chanted about Tory cuts. Is this somehow irresponsible?

I cannot understand how people who have fiscal knowledge and know the challenges that face our economy fail to understand that, at the moment in the United Kingdom, for every £4 that we spend, we borrow £1. That is simply unsustainable and cannot go on. Action must be taken to deal with that.

Mr Humphrey: Will the Member give way?

Mr B McCrea: I will in just a minute.

I do not particularly like it, but I realise that tough choices have to be made. Burying our heads in the sand will not get us anywhere. What my party wants is a responsible, inclusive, democratic working out of what is in the best interests of all the people of Northern Ireland. We do that not by throwing brickbats at one another but by having a mature and open debate.

Mr Humphrey: I am grateful to the Member for giving way. I listened carefully to what he said, and clearly he takes a more pragmatic view on the cuts than some of his party colleagues. Some realism is being introduced from those Benches. Nevertheless, the leader of the Conservative Party, who is now the Prime Minister, in the run-up to the last general election, very clearly indicated —

Mr Deputy Speaker: Order. The debate is about the Budget Bill and what is in it. It is not about why cuts were made or who is responsible for them. I ask Members to return to the subject matter: the Budget Bill and what is in it.

Mr B McCrea: I am grateful for the Deputy Speaker's direction on the matter. He will understand that there are certain elements that overrule that, but I understand his point. Will the Deputy Speaker allow me just a little bit of latitude? He may not do that, of course. He is in the Chair, and I respect his position.

We are debating the Budget and how we go forward. There is an issue here about being financially responsible. My party wants to make an argument about why the Department of Health, Social Services and Public Safety (DHSSPS) is the priority and why it should receive more funding. We want to say to the Assembly and to people at large that that is an

issue for all of us. Each and every one of us is affected by health issues. I do not say that we cannot find efficiencies or that we cannot work together to find out those things. The trouble with the Health Department is that it is so all-embracing. I doubt whether there is anyone in the House who has not been affected himself or herself or had parents, children or known others affected by health issues. Many people have visited Members' constituency offices and spoken about the importance of health issues. Each and every one of those cases is a tragedy.

Within the overall envelope of the funding available to the Assembly, we make the case for why there should be more money for health. People say that there are two options if we are to do that: we either get more money from the block grant, which is why Mr Givan's comments are relevant, or we take money from one Department and give it to another.

Mr McLaughlin: I will offer this comment just to help the Member. He said, accurately enough, that we borrow £1 for every £4 that is spent. However, will he consider that there is an alternative, being explored in the United States and in Germany, which is to stimulate recovery in the economy and broaden the tax take? That would result in a different Barnett consequential in this region. The fact of the matter is that we are left with a £4 billion hole in the economy which was caused by the approach of the Tory-led coalition in Westminster.

Mr B McCrea: I am happy to take the point. People talk about reflating economies, but we must face the fact that the public sector is approximately 70% of Northern Ireland's economy. We are actually looking for the other 30% to take the strain. A significant amount of that 30% was based in construction, which, as we know, and as Mr Frew pointed out, is one of the hardest-hit sectors. Given the available options, I do not see how we can find additional funds in the short term. We do not have the tools or the infrastructure to do it — nor, potentially, do we have the right to do it, because that probably rests with Westminster.

I am happy to engage on the issue of drilling down and making efficiencies and savings. People talk about working together and removing the silo mentality. However, there is a strange perversity about things like hospitals being closed because we all accept that we have to make savings, but then everybody standing

outside with placards that read "Save our hospital". Somewhere along the line, we will either have to find more money or make savings.

The most distressing issue is the issue of silo mentalities. We are not in a position to work out collectively our Programme for Government, or to have a real, frank discussion about working together with a bit of mutual respect and understanding. That is the issue that has to come forward.

Mr Bell: I appreciate the responsible approach that the Member is taking. He will find a lot of support on these Benches in respect of the wrongness of silo mentalities. What advice would he give to his own Health Minister, who, at an awayday that was set up to consider how we could constructively advance his arguments, arrived late and left early?

Mr B McCrea: The Speaker has previously given advice that, even though interventions may drift off the main point of the business, it is not necessary for the person who has the Floor to follow. In this case, I will leave that debate for another day.

Mr McCallister: Was that not in the Bill?

Mr B McCrea: I am not sure that that particular point was in the Bill.

There is an issue; Members have talked about having a responsible attitude. Many Members will have looked at the election results across the border. I was struck by the way in which they dealt with Budget challenges that are similar to the ones that we face in the Budget Bill. They promised nothing but austerity and the fact that they were going to have to take tough decisions. They promised nothing but the fact that they were going to have to share their frustrations and concerns with the general population. They put forward a determination that they would try to make things better. We should be doing that in the Assembly.

Part of the problem that we have with the Budget Bill is that it is long on rhetoric but somewhat short on detail. The devil is always in the detail, and we have to look at where we will have to make really hard choices.

The Minister of Finance and Personnel

(Mr S Wilson): I do not know what the Member is talking about. He says that the Budget Bill is long on rhetoric and short on detail. Has he not read what this debate is about? This debate

is about a Bill that authorises the spending of money for the next four months.

It does not contain, it is not designed to contain, it is not meant to contain and it could not contain any spending proposals, because we have not agreed it yet.

Mr B McCrea: It is good that I have provoked the Minister's interest in the matter. All that I can say is that I understand that he was scathing about Tory cuts and various other issues before lunch. Those matters are not in the Bill, yet he felt obliged to comment on them.

The debate should be a proper, open, frank and responsible discussion in which we try to inform one other and the watching electorate about the proper way forward. We make it clear that health issues affect us all. DHSSPS is one of the Ministries that the UUP looks after, so it is right and proper to make the case for all to hear why we should get more money, different money or different funding. We will try to come forward with solutions for where additional funds might be found. However, we cannot take people coming along and saying that what they are doing is merely because people in another place voted for cuts. This affects all of us.

I return to the challenge that I raised with the Minister of Finance and Personnel. I actually agree with the comments that he made in the Grand Committee and that it is not a particularly good or bad deal but the kind of deal that we would have expected to get, given the settlements that have been made for other Departments across the United Kingdom. That is fair enough. He also said that neither he nor his party would join the chant against Tory cuts. That is a responsible position.

There is a realisation, and the people understand this, that we are in a financial mess and are spending more money than we have incoming. Whether one looks at it in a Northern Ireland context, a United Kingdom context or, frankly, in another place, tough and informed decisions must be taken that are best for the people of Northern Ireland. It does not do anyone any good when Members attack the messenger when we argue our case. Instead, they should be making an argument themselves. That is point that I am trying to put across.

When the DUP voted with the Government on 6 June 2010 and voted to oppose the Opposition amendment to The Queen's Speech debate, all

of that was defensible and responsible. Parties come along and do what they think is best at the time. However, it is not right to do that in Westminster and come back over here and tell other people that they are doing wrong. I am sorry, gentlemen and ladies, but that is not the right way in which to do business.

At the risk of going on too long, I will conclude —

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

Mr B McCrea: Sorry, I am coming to a close. It is not often that I do not allow an intervention, but sometimes people do not allow me to intervene. I am quite happy to have the debate, but fair is fair.

We will be hit by some real challenges that have not hit us yet. There will be a real crisis when NAMA really gets going. There will be real financial pain. I fully accept that the risks that Mr Frew talked about exist. We have to look forward and see what we can do. When it comes to the Budget Bill, we feel that it is incumbent on us, as a party, to say that this is the way that we would do it. We may want to do it in a different way to that in which the DUP and Sinn Féin are doing it, but we do it against a backdrop of reality and with good intent towards everyone in Northern Ireland. I will not hear a word said against that approach.

3.30 pm

Mr O'Loan: I am pleased to speak in the debate on the Budget Bill's Final Stage. We all know that the Bill's purpose is to allocate the first tranche of spending for the forthcoming financial year. My party and I will not oppose that, but we will take this opportunity to critique the draft Budget, of which the Bill is the first legal manifestation. We still hope for a better Budget when the final Budget emerges shortly and is brought before the Assembly. Quite simply, the draft Budget does not do the job that it needs to.

I wish to say something about the context in which the Budget is being created. Up to 2007, we had what economists referred to as the "NICE decade". NICE is an acronym for non-inflationary, continuous expansion, which was a very fortunate set of circumstances. However, Northern Ireland still had very considerable economic problems during that period. Its productivity and economic activity seriously underperformed, and we failed to fix the roof

while the sun was shining. Of course, a lot of the responsibility for that rests with direct rule Governments. However, we were all in our various ways part of that failure.

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

It is not NICE anymore. The present times might be better described as a RUDE — rising unemployment and declining economic activity — awakening that could readily become a downwards spiral unless we find a way of breaking out of it. Quite remarkably, this is our first recession since the early 1980s. Of course, we recognised that two years ago when we called for the Assembly to adjust its Budget, produced our document 'New Priorities in Difficult Times' and called for a revised annual process to look again at the Budget in order to see what could be done differently.

Let us consider where we are with the economy now: we still have no growth; we lag behind the UK in that regard; and we will continue to be seriously affected by the downturn in the South of Ireland. The South is our biggest export market, taking 28% of our exports. It is, of course, intimately connected to us economically in other ways, as it is where many of our workers went to get jobs and is a source of substantial tourism investment. So, we are presented with an absolutely enormous challenge, and we need a Budget that matches that. However, the Minister's draft Budget does not do so. So, what do we have? We have a Budget made in Whitehall, and the Minister has described it as such, with almost a sense of pride or at least a sense of reality. I find it incongruous that the Minister repeatedly criticises his fellow unionists in the Chamber for their association with the Budget yet presents the same Budget here without doing what can be done to adjust it.

Mr Beggs: Is the Member even more surprised that the present Minister and his colleagues actually supported the Programme for Government at Westminster but do not apparently wish to support its outworking?

Mr O'Loan: I think that I will let the unionist parties debate that between themselves and not get involved. What we have are Whitehall cuts that are being distributed across the Departments in a way that remains largely unexplained. I wondered about that and about how the Minister views his job. I view him as a man sitting at a table putting coins into piles of

differing heights and then sliding them across the table to the different Departments while trying to ensure that the accounts are kept accurate. That is the narrow way in which the Minister sees his role, when what we need from a Minister of Finance and Personnel is wider thinking.

I was moved to wonder why this Minister should be a corporation tax denier, taking quite a different and very sceptical view, against that of his own party, of a reduction in corporation tax. It is because of his narrowness of perspective on corporation tax that he sees only the cost — there would be a cost to the Northern Ireland block — and not the potential benefits that many of the rest of us see. Although we recognise that a reduction in corporation tax has to be part of a wider framework of adjustment for our economy and is not the single thing to be done, many of us believe that it is critical.

Rather than “made in Whitehall”, remember the phrase “made in Ulster”, which was used with a sense of pride by Peter Robinson about the four-year Budget four years ago. That sense of pride was legitimate, because we are a devolved Assembly in charge of our own affairs. What is the point of being a devolved Assembly unless we can do things differently, not just for the sake of it but for a purpose? I do not see that purpose.

Where have we come to after four years? As I have remarked in a previous debate, we should be much more bedded down, much more in charge of our own affairs, much clearer in what our objectives are and much clearer about how we are going to get to the place that we have decided that we want to get to. All that should be implicit in a Budget, and all that is missing from the draft Budget.

This Budget has failed. It is not obvious why it has failed. The question is why this Assembly so continuously underachieves. I draw Members' attention to the Community Relations Council's (CRC) critique of the cohesion, sharing and integration (CSI) strategy, which all Members will have received in recent days and which may seem a surprising document. That is a very important document, which was, I presume, written some time ago and has just been produced in 100-page booklet form. I hope that the CRC is not abolished for its pains in daring to criticise its paymasters.

The CRC has done us a very useful service in critiquing the CSI strategy. However, I see it as something wider: it is a criticism of how this Assembly is operating and how this Assembly is not being the model that was created in the Good Friday Agreement. The structures created may be there, but this is not being conducted in the spirit of that agreement. That is the fundamental reason why this is not the Budget that we need at the present time. For all the claims that this is an Executive draft Budget, the reality is different. It is not a real partnership document. If it were a partnership document, with the SDLP intimately involved in that partnership, this would not be the draft Budget that we would be debating.

It increasingly looks as though the Budget review group, which is often pointed to as the mechanism for the future as well as for the process to date, is nothing more than a fig leaf to give respectability to the real process, which was conducted behind closed doors between the two parties in the Office of the First Minister and deputy First Minister. That draft Budget was dropped in front of the Executive at nearly the last minute.

Fundamental to the weakness of the draft Budget is its lack of rootedness in any fundamental principles. What is it for at all? What is it trying to achieve? What is the long-term vision? Those are the critical questions to ask when looking at the draft Budget. However, people will look in vain for answers.

In an earlier debate, Peter Robinson intervened to tell us that it was absolutely presumptuous for this Assembly to attempt to write a Programme for Government for the future Assembly. Evidently, it is not at all presumptuous to write a four-year Budget for the incoming Assembly. The absurdity of that position should be fairly obvious and is, I imagine, fairly obvious to all in the Chamber.

We have heard some reference made to an emerging Programme for Government. If some document of that nature is cobbled together in the next week or two out of some sense of embarrassment, the Office of the First Minister and deputy First Minister (OFMDFM) will add a contradiction to the previous absurdity.

The degree of public criticism of the draft Budget to date has been very striking indeed. A good place to start is with the Institute of Directors (IOD), which states:

"the initial excitement of seeing a four year Budget ... has given way to disappointment."

I have referred before to the great sense of euphoria that there was when a draft Budget emerged. It showed what people invest in their minds in the Assembly. The people want to see the Assembly working, and they were delighted that a draft Budget emerged. The IOD also states:

"The severity of the funding cuts was not unexpected but we had hoped to see the Executive's alleged commitment to prioritising economic growth evidenced in the budget allocations. Close inspection revealed otherwise."

It then details what that means for the Department for Employment and Learning, the Department of Enterprise, Trade and Investment, and so on.

The Confederation of British Industry (CBI) speaks in very similar terms. It states:

"The Executive's commitment to the economy is not fully reflected within departmental budgets, especially in DETI and DEL where current proposals will undermine economic development and job creation".

Coming from the CBI, that is a pretty strong statement. It adds:

"Public sector reform does not go far enough ... there is a lack of structural reform and re-engineering."

Furthermore, it states:

"Revenue raising does not go far enough".

I will mention the Construction Employers Federation. I have been careful, because we received comments on the draft Budget from many bodies. I think that the Minister received 9,000 submissions. Incidentally, I do not know how he has managed to absorb those meaningfully for a final Budget that is to be presented in a few days. He might like to tell us how. I do not want to mention particular sectoral interests. I will not even mention the trade unions, although they have a legitimate voice, because it could be argued that they have only a narrow perspective to present. I mention the Construction Employers Federation because construction is so critical to our economy and is a way of breaking out of the potential downward spiral. Assisting our construction industry is absolutely of the essence.

The Construction Employers Federation (CEF) presents five fundamental questions, which I will

not read out. Suffice it to say that they are the tests that it sets against the Budget. The CEF states:

"It is CEF's belief that the answer to all of these questions is 'no'."

In other words, the draft Budget does not do the things that the CEF would expect it to do. The CEF also states that it is:

"disappointed with the level of information that has been provided".

It adds:

"The commentary in the budget document does not fully appreciate the magnitude of the recent downturn in the construction industry, particularly with regard to employment and the consequences for the wider economy."

I quote the Construction Employers Federation for that reason, because the success of the construction industry is intimately tied to our getting out of this recession.

NICVA, in a report that was done on its behalf by PricewaterhouseCoopers (PWC), describes the draft Budget as a patch and mend approach and says that it is not balanced. It calls for:

"more imaginative funding mechanisms, savings and revenue raising programmes and projects".

It also states that the Budget was:

"conducted on a piecemeal Department by Department basis and fails to provide fundamental reform of the structure of Government and the public sector."

PWC uses some quite remarkable language. It states:

"In overall terms, we conclude that the draft Budget ... does not balance."

When newspaper articles say that the Budget does not balance, we take them with a pinch of salt. However, when PWC, which is one of the serious management consultant firms in Northern Ireland, makes a statement such as that, it means what it says. It states:

"A calculation based on a standard formula ... suggests that, in the absence of information not currently available to consultees, there is a cumulative shortfall that could exceed £2.0bn by 2014-15."

When PWC's chief economist was interviewed on 'Good Morning Ulster', he said that because

it is happening back to front, there is no plan for government for 2011 going forward. In other words, a draft Budget was being created without having a Programme for Government in place, rather than the other way around. He said:

"No stating of the goals and objectives and a lack of coherence exists for the plans of the various departments. There's no overlapping or umbrella strategy ... we simply do not know what the objectives are for the next four years."

3.45 pm

He went on to give an important example of the lack of joined-upness between Departments, particularly the economic Departments, by stating:

"the resources allocated to DEL is likely to mean that it may not fulfil the objectives previously stated for the number of PhDs or research students in universities. That will have a knock-on effect for the work of DETI because each department has gone away separately with the pot of money and worked out what it can manage but there's no over-all view of what the NI Executive should be attempting to achieve over the next four years."

I would add that that is true as part of a longer plan for where we want to be over 10 or 20 years.

The head of the UK infrastructure projects team at McGrigors, one of our major firms of solicitors here, who, talking about infrastructure, said:

"the overall number of schemes locally has steadily declined. There has been no repeat of the pipeline announced in 2002 when the Strategic Investment Board brought forward major projects in the roads, water, IT, health and justice sectors. A new kick-start is needed".

Most of the McGrigors article is about the mechanisms to do that. When the Minister asks how on earth we do that, the answer given is, in summary:

"A number of new funding mechanisms are available",

and McGrigors details them all. These are serious players in the action whose advice we can treat with respect.

One of the most interesting documents comes from a body called the Economic Advisory Group. Had that document been written by the SDLP, it would be dismissed as partisan and a document drawn up merely to advance our own political position. From front to back, its nine pages are a deep critique of the draft Budget.

What is this body? It is a body that was set up by the ETI Minister to advise her; a group of our best experts on the economy. I will read simply its conclusion:

"This Budget process provides the opportunity, albeit in difficult circumstances, for the Northern Ireland Executive to set the tone for the progression of the local economy over the next four year period and beyond. It is imperative that the Executive grasps this chance to demonstrate the priority it holds for the economy through its actions. This should be reflected in a focused Budget intent on rebuilding and rebalancing the local economy toward a private sector-led high value economy, with the necessary resources in place to enable this transition to take place."

We may take it that, when it says that that is the kind of Budget that should be in place, the clear inference is that the draft Budget that we have does not do those things, and that is from the Minister's own appointed advisers.

Mr Humphrey: I am grateful to the Member for giving way. Surely the key phrase in the section that he read from that document is:

"the necessary resources in place to enable this transition to take place."

The point that the Minister has consistently made to the House is that because of the Tory cuts of £4 billion and the black hole in our economy, the resources are not there for that to happen.

Mr O'Loan: The Member is saying that there is no point in having a devolved Assembly in Northern Ireland. He is saying that we should simply take what we are given and do the same job as direct rule Ministers. Well, I happen to think more highly of the potential of this place.

If the draft Budget goes through as it is, we will have no plan for rebalancing the economy or for economic development. We will have potentially 9,000 public service job losses. We will see a pay freeze for almost 7,400 civil servants who earn below the average industrial wage. There will be inadequate responses and assistance to hundreds of vulnerable people who will face benefit cuts by 2012. There will be the potential for hospital closures. There will be the prospect of new medicines and medical facilities, such as the Altnagelvin Area Hospital cancer unit, not being available to patients. There will be no robust strategy for job creation. There will be less independent scrutiny of government,

through this Assembly and through the Comptroller and Auditor General's office. There will be a massive drop in the building of social housing, with the consequential construction job losses.

More than 100 schools will go without repairs or new buildings, and there is the potential introduction of student fees at —

Mr Deputy Speaker: Order. I ask the Member to resume his seat. I wish to bring all Members back to today's Budget debate. The Executive will bring forward a revised draft Budget in the next few weeks. Today, what we are really talking about is the content of the Budget for today and for the end of term, if you like. Obviously, that will run in to the next Executive, but the Executive will actually be coming forward with another Budget. At this stage of the debate, it is very important that we concentrate on what is in the Budget proposal today.

Mr O'Loan: I take your point, Mr Deputy Speaker, and I will soon conclude. As I was saying, there will be —

The Minister of Finance and Personnel: Hear, hear.

Mr O'Loan: The Minister seems to be getting somewhat riled, and it is always quite indicative when that happens.

The Minister of Finance and Personnel: I am not riled; I am bored out of my skull by the SDLP.

Mr O'Loan: As I was saying, there is the potential introduction of student fees at £5,750 a year and the scrapping of the education maintenance allowance.

Mr Frew: I thank the Member for giving way. He has talked across the spectrum of government, from Education to DETI and Social Development. Which pot would he take from in order to achieve even one of the things that he listed?

Mr O'Loan: Mr Deputy Speaker, you will be glad to know that I am going to finish shortly, so I will not take up the Member's challenge to go through the SDLP's document, 'Partnership and Economic Recovery', in its entirety.

Mr Deputy Speaker: Nor would I allow that to happen.

Mr O'Loan: Nevertheless, I assure the Member that the answers are there. I am concerned and distressed to hear the Minister telling us from a seated position that he is bored with what I

am saying. I have to say that the public, who are looking for the Assembly to address —

Ms Ritchie: Very sad. Shame.

Mr Deputy Speaker: Order.

Mr O'Loan: The public, who are looking for the Assembly to address the economic position and protect those who are vulnerable in society, might be discomfited by the Minister's reported boredom.

I referred to a number of commentators who have critiqued the draft Budget seriously. In producing 'Partnership and Economic Recovery' we spoke in private to a number of serious commentators, and I can tell Members that the kinds of critiques that have been produced in public documents are also being produced in private.

In conclusion, the draft Budget —

The Chairperson of the Committee for Finance and Personnel (Mr McKay): I thank the Member for giving way. He outlined a number of criticisms, one of which, from the CBI, was that revenue raising does not go far enough. I agree that we should look at more ways to raise revenue. Will the Member outline how many revenue-raising proposals the SDLP has brought to the Budget review group?

Mr O'Loan: Our document, which contains 57 separate proposals, was brought to the Budget review group. I am surprised that the Member has not familiarised himself with them.

As I was saying, the draft Budget is not a good document. It is not what we need to counter the recession or to address historic weaknesses in the economy and, equally, in our inefficient public sector. Therefore, although I will support the Final Stage of the Budget Bill, I issue a clear warning to the Assembly that it will take a better four-year Budget to win this party's support.

Dr Farry: I am tempted to ask the Business Committee for a different slot in Budget debates, because I always end up following the SDLP's lead spokesman. I shall do my best to be brief and, at the same time, to enliven proceedings.

I take the point that Declan O'Loan was trying to reflect the comments coming through from various sectors, particularly the business sector, and, later, I will have quite a bit to say about the economy. We are all conscious of the extremely

difficult situation that we are in and of the fact that different organisations want to critique things from their own and, indeed, an overall perspective.

However, the overarching responsibility on us all is, first, to recognise the situation that we are in. It is not one of our making, but we have a firm obligation as an Executive and an Assembly to address it and to put in place a financial plan for Northern Ireland. Secondly, where there are criticisms, we must at least give some indication as to how things can be done differently and better while respecting that the resources available to us are finite. To be fair to some of the people who are making criticisms, they have gone down that route. Indeed, we are still in a process of discussion, and it is important that we are not only seen to be listening to the advice that is coming through but that we take it on board.

I am extremely conscious that this is a debate on the Final Stage of the Budget Bill, and the Alliance Party certainly supports that. We recognise that we have a responsibility to ensure that money is in place for the beginning of the incoming financial year and that we do our tidy-up of the financial decisions taken during this year. However, without transgressing into a discussion on the forthcoming four-year Budget, we should reflect on the current financial profile of Northern Ireland. What we are doing gives us an opportunity to highlight some of the wider financial and economic issues that are facing us as a society.

I certainly recognise that our financial settlement is largely determined by London, and I am equally concerned that the pace that has been adopted by the coalition Government towards the scale of reductions and the pace at which they are trying to rebalance the national deficit is contrary to the economic advice. However, that decision has essentially been taken, and we have our comprehensive spending review settlement, which we have to make the best of.

Mr B McCrea: Could the Member tell us how his party's MP voted in The Queen's Speech?

Dr Farry: The Alliance Party MP was very clearly opposed to the Budget, which is the issue in hand, and the Alliance Party MP sits as an Alliance MP in Westminster. I appreciate that the Ulster Unionists are slightly out of touch as to how things work over there. *[Laughter.]*

Mr B McCrea: We are just out of touch with how she voted. How did she vote?

Dr Farry: She voted no. *[Interruption.]* She really did, yes. Given the interruptions from the left, all I can say is that, if the Ulster Unionist Party had been there, it would have seen how Naomi Long voted.

Mr B McCrea: She might have told you.

Dr Farry: She did.

Mr Deputy Speaker: Order.

Dr Farry: I will move back to the substance of the issue in hand. It is worth reflecting on the fact that what we do here in the Assembly and the Executive can make the application of what is handed to Northern Ireland by London better or worse. That is where we stand on our own discussions. It is important as well that we recognise the issue of the balance at a regional level across the United Kingdom. In that respect, I appreciate and understand the point that Basil McCrea made earlier in his contribution that we will always have a situation where some regions are more dependent on others and have a greater need for financial subsidy or subvention.

The problem is that the UK is one of the most unbalanced of the leading OECD economies. There is an over-concentration in the greater south-east of England and, in practice, only three out of 12 regions are net contributors to the Treasury. Of those regions, Northern Ireland is the most dependent. Of course, that relates to what are now quite deep structural programmes that go back many decades and are linked to deindustrialisation, the lack of a proper replacement and, indeed, the lack of an opportunity for a proper replacement because of the violence and all the financial and economic costs that arise from a divided society and that undermine our ability, as a society, to modernise our economy. So, we are still suffering from that legacy.

One of the outworkings of essentially being reliant on the block grant for our resources is that the level of that block grant settlement is essentially independent of the economic performance in Northern Ireland.

If we do not invest in the economy, we still get the same block grant. If we invest in the economy and have a lot of growth, essentially we still get the same block grant because it is

based on the Barnett formula. Therefore, there is not an inbuilt incentive for the Assembly to prioritise the economy to get greater resources to redistribute. That is a strong argument for tax-varying powers for the Assembly, and that argument is largely being channelled through the issue of corporation tax. Not for one minute am I suggesting that Northern Ireland goes it alone from financial support or that it is viable that we look to the all-island context for that financial support. We are where we are, and we have a huge degree of financial dependency. We are dependent on the UK, which has a much bigger spread of taxpayers than either Northern Ireland or the all-island context. We need to appreciate the fact that we challenge that at the margins if not more than at the margins. Tax-varying powers and corporation tax are the first avenue that we will go down in doing that.

4.00 pm

That said, there is a much bigger all-island agenda to how we are setting our Budget and to how we are looking at our economy. I made similar points in the past, and I welcome the responses that I received from the Finance Minister that, irrespective of politics, clear opportunities for shared services, economies of scale and efficiencies, either on a cross-border or all-island basis, can be followed up. In the potential context of a new Executive coming in after May and a new coalition Government in the Republic of Ireland, it is important, given the potential crises, that the Governments in both jurisdictions do not become inward-looking in trying to focus on their immediate problems but are outward-looking in trying to find common and shared solutions where those exist.

In considering the wider issue of how the forthcoming Budget relates to the economy, I will take on some of Declan O'Loan's points and try to be more concrete about what we need to do. We need to be honest that there is a tension concerning the demands that come out of the Assembly. On the one hand, we are saying that we are determined to protect public services, particularly the Health Service, and we all understand that there is a growing funding gap between the Health Service in Northern Ireland and the rest of the UK. On the other hand, we are saying that we want the economy to be the number one priority. We cannot do both of those at the same time; there can be only one number one priority. For better or worse, the decision that we have taken on the protection of the

health budget comes at the opportunity cost of further investment in the economy, and we need to be very clear about what we are doing. If we are making promises to the business sector, we need to understand that we are delivering only on making the economy the number one priority to a limited extent because of decisions that we have taken elsewhere.

Equally, it is important to make a couple of points on public services. First, we are not raising enough revenue in Northern Ireland. It is interesting to note that virtually all the business representative organisations are saying that we need to be much more bold and realistic on raising revenue. I do not mean the £840 million from revenue raising that is set aside in the forthcoming Budget and the fact that there is the potential to raise £1.6 billion in additional moneys —

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

Dr Farry: Yes.

The Minister of Finance and Personnel: As usual, the Member has made a lot of interesting and honest points, and he is right that business organisations have been at the forefront of the arguments for raising revenue. Will he also accept, however, that, even in those arguments, sectional interests always come through? On most occasions, business organisations are pointing to revenue raising that will hit consumers and individuals. Indeed, they have lobbied hard for tax cuts, whether through a form of corporation tax, a cap on rates for manufacturing industries or on the allowances for retailers. They have epitomised the sectoral and sectional nature of the debate. So far in the discussions on the Budget, everyone has emphasised what is good for them, even though it is at the expense of others. For industrial organisations to simply say that revenues should be raised is not sufficient, especially if they are saying that such revenues should be raised from someone else and not from them.

Dr Farry: There is a lot in what the Minister has said, and it is worth making a few points in response. To be fair to the business sector, what they are arguing for can be seen to be somewhat self-serving. It points to a wider common interest for Northern Ireland as a whole, particularly if we are to grow our private sector and increase employment in the private

sector, which are wider strategic objectives of the Assembly.

There is a view that business taxes are probably the wrong ones to levy. The major distortions in Northern Ireland are in household taxation. It gives me no pleasure to say that, because I appreciate that a lot of householders are living on the margins. However, a lot of people with a middle-class lifestyle in Northern Ireland are not paying the same household tax as their counterparts in the rest of the UK. I will not go into water charges in great detail today, but we already have a situation in which the business sector is paying for its water and domestic customers are not, which is uneven.

We talk about the possibility of corporation tax being introduced and the need for it to be funded, but businesses already have a host of other tax breaks. I may not find favour with this comment, but it is something that our party has made clear. In the event of an opportunity to lower the rate of corporation tax, it may be instead of rather than additional to some of the existing forms of economic support.

Industrial derating, which I am prepared to concede at this stage may be an important safety valve for manufacturing, should be seen as a much more efficient form of economic support. You would shift the intervention from trying to address the cost pressures faced by business to incentivising profits. If we make that sort of step, we have a much more efficient way of supporting businesses by targeting those that have the greatest potential to grow, rather than simply subsidising the status quo. Therefore, there may be an argument for redirecting resources away from things such as industrial derating to fund the lower rate of corporation tax, if that comes along.

It is important to reflect that businesses are being realistic about the need to raise additional revenue in Northern Ireland, but political parties are continuing to be populist about the issue. When we look at the issue of the £1.6 billion and the additional £800 million that may be raised during the next four years, we see that there is almost an acceptance that we need to raise more revenue. However, a lot of those are untested and untried methods that are largely speculative. I wonder why we are so insistent on trying to base a budget on such figures while not being prepared to address the real tested methods available to us. For some reason,

because we have put ourselves on a political hook, we are not prepared to bite the bullet on those issues.

Social justice is an issue for parties, particularly those that claim to be on the political left and want to fund public services. Indeed, it is a challenge that I will give directly to the Health Minister, who seems to be positioning himself on the political left as well as the political right. I accept the argument that is made about our health sector investment falling behind that in the rest of the UK. Historically, we were ahead, and, when you factor in the higher levels of health inequality and ill health, those figures become even worse. I accept that. At the same time, the notion of simply protecting health or getting additional money to health runs the risk of avoiding the efficiencies that need to be driven through the health sector. There are areas where we are not doing things as well as we should be. If we do a proper benchmarking of the health sector, compared with other regions of the UK, we will see in the profile of our spending that we are spending far more than our counterparts in some areas and far less in other areas. There does, therefore, need to be a major reorientation of health spending.

I believe that there is, to an extent, a sound argument for additional resources. Making the argument that we need to spend at the same level on health as the rest of the UK, while running away from the argument that we need to raise revenue at the same levels as the rest of the UK, strikes me as being politically dishonest and is the road to ruin for our health sector. If we want to have proper, quality public services, as my party and I do, we cannot afford to fund them on the cheap, which seems to be the intent of virtually every party in the Chamber.

Let us treat health properly and with respect. If we are to give it the necessary resources, there are difficult decisions to be made elsewhere. Those decisions are largely around revenue raising, rather than simply raiding other important budgets, particularly the economy, in order to meet and face the challenges that we are not properly prepared to do through the levers available to us.

As I look at the economy, I want to use the construction sector as an example. This relates to public sector jobs. A lot of parties are making commitments about the level of wages and salaries in the public sector and about the need

to avoid redundancies. They are saying that they are going to defend the public sector at all costs. That may well be laudable, and I do not want to see anyone losing their job, but it is important that we regard employment not only in the public sector but across the entire economy. We have to bear it in mind that, when we make a decision to protect the public sector and public sector employment, that decision will come at an opportunity cost, with wider implications for the economy and aspects of private sector employment.

A clear example lies in the area of construction. We may make a decision to sustain public sector jobs and make the argument that the incomes from those public sector jobs support families and households and that the money is spent throughout the rest of the economy. That argument can also be made for jobs that we may well create in the private sector if we spend money differently, particularly if we invest further in construction and improvements to our infrastructure. There seems to be an economic argument being made that the multiplier effect in terms of employment in the private sector and with regard to wider service, retail and supporting of households will be greater if we emphasise the private sector. Therefore, when we are talking about employment and the unemployment of young males, in particular, since it is a sector that is particularly hard hit, the choices that we make will have an effect on that. Laudable attempts to protect things in the public sector may, inadvertently, have a much greater detrimental effect on the private sector. It is important, therefore, that we see what we are trying to do in respect of employment as an overall package.

Although employment is important, we should never lose sight of the fact that the real importance of investment and the economy is the creation of additional value-added productivity. Ultimately, that is how we measure success in our economic outcome, and the by-product of that is not just employment but better-paid jobs, which put more money back into the economy.

In the wider picture, it is important that we focus on how we use our economic and financial levers to best sustain the economic transformation of Northern Ireland. Although I respect the fact that that is almost the unanimous view of Members, we have to be realistic and honest with ourselves. The way in which we are going about it — the current

financial settlement or the forthcoming settlement — and the decisions that we are making may not necessarily maximise the ability to transform things, and we may end up inadvertently selling ourselves short in that regard. We need to face up to some of the difficult political taboos if we are to be genuine in taking things forward.

4.15 pm

Mr McLaughlin: Go raibh maith agat, a LeasCheann Comhairle. I thank the Member who previously spoke for being brief. I have made this point before, but I want to start off by repeating it: the Budget process would be difficult anyway, given the structure of our political arrangements, and there has been some reference to that during the debate. The efforts that are being made, developed and evolved as we gain more experience of working with each other are a credible response in the circumstances. What was already a difficult task was made virtually impossible when £4 billion was removed from the block grant without any addressing of the needs.

I continually remind myself of the discussions among all parties that resulted in an all-party agreement that the Barnett settlement did not meet the needs of this region. In fact, an all-party delegation that included the SDLP and the Unionist Party went to meet the then Chancellor of the Exchequer, Gordon Brown, to make that very case and to argue for support and for a peace dividend. People remember all that. The important factor for me was that, at that early stage, an all-party position was arrived at. It reflected, for example, the current debate on corporation tax variation, which is also an issue that will continue to evolve and develop.

References such as we have heard in the debate about a carve-up or a Sinn Féin/DUP alliance really emphasise only the lack of consequence of the parties concerned, their lack of confidence in themselves or, indeed, their lack of support when it comes to looking for an electoral mandate. I am not gloating or making a party political point about that, because my party was there. I have been involved in efforts to establish this Assembly on a sustainable basis since the Good Friday Agreement, and I was here when the Unionist Party and the SDLP were the two predominant parties. But we fought our corner, as did the party opposite. We had particular perspectives.

I reject the notion of a carve-up, which is not even self-serving. All that it serves to do is to undermine the potential that exists in this place. That potential is reflected in the draft Budget document.

I will make one other point in passing. It was brought up by a DUP representative who referred to a mandatory coalition. If you want to be part of the Executive, you have to sign up for the power-sharing arrangements. In fact, the only mandatory requirement beyond that is that you get the necessary electoral or political support. After that, any party can decide whether it is going to be there. It can decide not to nominate. So it is, in fact, an entirely voluntary action. When parties come together on that basis, we must explore every avenue for a collaborative approach. That applies to this debate.

In a sense, in the motion, we are really only required to authorise or validate the consequences of the monitoring round of last year and ensure that that is reflected in support for the Supplementary Estimates. We are also required to give, on the Vote on Account, authority to spend money for a limited period, obviously on the assumption that we will eventually agree the Main Estimates, to be voted on some time later this year, in the next mandate. In approaching that, the draft Budget was actually successful.

The draft document was sent out for consultation. I have not seen the quality or depth of the submissions, but I am sure that many good ideas were contained therein, and I hope that they will inform the decision-making process that the Executive and, eventually, this Assembly will go through in supporting the Main Estimates.

I made the notes and will develop the point, but the Minister mentioned it directly: consultation often provides a lobby for a specific or desired outcome. That is fair enough. Some of the issues that will be addressed, perhaps through an organised round robin-type response to a consultation paper by, for example, a pressure group, trade union, business organisation or community and voluntary sector organisation, are legitimate in that context. However, we, of course, have a wider responsibility. We have to look at every Department and every spending line. We have to look at how we can sustain the delivery of the best public service that we can manage and protect the most vulnerable in our society. So, we cannot afford to be sectional.

The approach of some parties is less than constructive. If there are concerns about particular priorities as they affect different Departments — the silo mentality, as it is called — perhaps the best way to find a solution is to step away from that mentality and, in the first instance, talk to colleagues on the Executive and then, as a party, make the case on the Floor and let the public judge who is being constructive and mature and working their way through the challenges and problems.

All parties agreed that we did not have sufficient resource built into the Barnett settlement. As the Chairperson of the Finance Committee, I gave evidence to the House of Lords Committee that was reviewing Barnett. Its report supported many of the arguments that we made, particularly about the assessment of need or reflecting need. There are particular, special and, in some instances, unique issues that we have to deal with here. We may have to take that discussion further. We may need to revisit that discussion.

In the CSR announcement in October, £4 billion was removed because there was a particular approach taken at Westminster to deal with the deficit. That is their authority and right, but there is another way, and we should never forget that. In any event, because we do not have fiscal autonomy, we are left with no option but to deal with what is left in the block grant; to consider the revenues that we can get from the regional rate; to look at what we can do with efficiencies, which includes addressing the issue of quangos and arm's-length bodies; and then to look collectively for revenue-raising ideas, including those that came from all those who had the opportunity to contribute to the draft document that was out for consultation.

Four billion pounds is a lot of money to make up. We had an amendment to the motion that was before us a fortnight ago from the SDLP. Some of its speakers found it possible to talk for 90 minutes or more on that topic.

Mr McDevitt: For the record, it was not on that topic; it was at the Second Stage of the Budget Bill.

Mr McLaughlin: Well, that is helpful. Thank you very much. I am glad you joined us. I did not even notice that the 90-minute marathon man was present. Anyway, just to —

Mr McDevitt: If I could run a marathon in 90 minutes, I would be laughing.

Mr McLaughlin: Well, keep practising. Now, let me make this point: they proposed amendments to the draft allocations that amounted to shifting around £22.1 million, when the issues that we are dealing with run into the billions. If they have submitted proposals to the Budget review group, of which their Minister is a member, do you think that the Executive will refuse to consider viable propositions?

We cannot meet our requirement, and all parties have that point of collectivity and collegiate approach. They recognise the need to preserve front line services. So, if there are propositions, from whatever party, they will not be cast aside if they are viable and will help the Executive to balance the Budget and deliver the level of service that they require. We may collectively come to a conclusion that we can do so much only incrementally. We may well get to the point when we reconstruct the type of block resource that we would need. That would be a mighty challenge. I do not want to be defeatist, but I must be realistic. We may have to cut the sail to suit the cloth. If the parties play as a team instead of trying to confuse, divert and demoralise, what we do in year 1 might be different from what we do in year 3 or year 4.

There is enough severe and, in my opinion, unfair criticism of the Assembly. As we come to the end of the mandate, we can be proud of much that has been achieved, but it is not perfect. The Budget process is not perfect, but we have to try to augment what we got from the CSR settlement. In doing so, we must protect the most vulnerable and not drive more and more people into poverty, not as a consequence of decisions taken elsewhere but as a result of our response to those decisions. Our response should be much more constructive, positive and confident. We should not be afraid to look at options. If an all-island approach produces better value for money and is of mutual benefit, parties must be prepared to consider it.

Mr McDevitt: I am listening to Mr McLaughlin with great interest, and there is a lot of truth in what he says. However, I wonder whether he will send the same message to his party's Oireachtas team, which, of course, is camping out —

Mr Deputy Speaker: The Member must keep to the debate on the Budget Bill that is before the House today.

Mr McDevitt: His party is in opposition to the Irish Budget and the Irish Government.

Mr Deputy Speaker: Order. I asked the Member to keep to the debate that is before the House.

Mr McLaughlin: The Member will have noted that at least we are in a position to put our view to the Oireachtas, and that is more than the SDLP will ever be able to say. I do not want to be diverted by such silly interventions. The point is that, if an all-island approach represents value for money and helps to deliver services, parties should be open-minded enough to look at that.

I hope that the Minister, when he responds to the debate, will tell us how much 1% efficiency in the health budget would amount to. I do not mean to challenge him, but it would be useful to know what that figure is, because we hear messages full of doom and gloom about the Health Service. We may be able to do more, but I argue that all other Ministers approach the Budget process on the basis of doing their best, and some are taking mighty hits on their budget to make that possible.

Dr Farry: I am encouraged by what Mitchel McLaughlin said about North/South co-operation and the sharing of services. Hopefully, he acknowledges that my party has openly said that that is a potential area that needs to be examined. Does he acknowledge that trying to find savings through addressing the cost of division in Northern Ireland is another area that must be put on the table and explored? I am perfectly happy to say that, from my party's perspective, we need to look at both areas. I hope that he will respect the fact that we are open to North/South co-operation, and I would like an assurance that Sinn Féin is open to tackling the cost of division.

The Minister of Finance and Personnel: The Member asked what impact 1% of efficiencies in the health budget would have. It would give us about £43 million each year. Even more interesting are the efficiencies identified in the McKinsey report, which indicate that the Health Minister could have saved £5 million every month. That would mean savings of £60 million a year. The identified efficiencies were only in certain areas, so other areas could be looked at on top of those. As the Member pointed out, the Minister has refused to review a range of charges that would have released tens of millions of pounds every year. The Member is

right to point to the issue that there are things that we can do now to try to alleviate some of the existing pressures.

Mr McLaughlin: I thank the Minister for taking full advantage of the opportunity that I gave him. I was anxious that he should illustrate what could be achieved through adopting a more positive approach.

4.30 pm

Stephen Farry raised the issue of the cost of division. I know that the Alliance Party — I hope that he takes this comment in the spirit in which I offer it — regularly beats the drum on that issue. On a number of occasions, I have talked about people being realistic, being positive and believing in what is possible. I do not know whether it would be possible, but I would be very keen to go to a peace wall at an interface, suggest that it is taken down and take account of what people say. Those divisions did not develop overnight; they did not even develop over the past 30 years.

So, there are issues that cost us, which are linked to the cultural fabric of our society. Those tensions and divisions have existed for generations, but we should make a start at tackling them. We will be positive about tackling them and would like to work on a cross-party basis to identify where to begin, because we have to start sometime and we have to start somewhere. The existence of peace walls is testimony to political failure over a long period.

Mr Deputy Speaker: I ask the Member, and other Members, to return to the Budget Bill.

Mr McLaughlin: I take your advice, but if something costs us money, it is relevant to the Budget. Division does cost us money daily. The point that I am making is that, rather than talking about these things, we should get round the table and start to do something about them.

Mr Bell: There are three priorities here. We are dealing with a Budget to take us through to 2012. We are also dealing with some £16 billion of public money. There are three things that anybody looking at the Budget Bill has to realise.

First, there are some difficult choices that have to be made. Let us not pretend that there will not be difficult choices; there will be difficult choices. We can either make them collectively by consensus, or we can pretend to be half-

pregnant, get one or two to vote for the Budget and get others not to, then tell somebody that we voted for it and went for the consensus and tell other people that we did not really vote for it and that we were against it. Those who take the latter approach to the Budget Bill would be well advised to consider the words of Abraham Lincoln:

"You can fool some of the people some of the time ... but you cannot fool all of the people all of the time."

The reality will be absolutely clear. There are those who will send their Ministers in to vote for something, while telling them to do it with their fingers crossed or saying that they will send the Back-Benchers out to say that they did not vote for it. That form of immature political schizophrenia will not fool the people who face losing their jobs; it will not fool people who are looking at cuts to necessary public services; and it will not help in any way.

I have called at several thousand homes since March last year. Without exception, the people whom I have met realise that we have difficult choices to make and that the cake has been made smaller. We know why that cake has been made smaller. The Ulster Unionist/Conservative, Liberal Democrat/Alliance coalition has made it smaller.

Mr Humphrey: Will the Member give way?

Mr Beggs: Will the Member give way?

Mr Humphrey: I thank the Member for giving way to me before he does so to Mr Beggs.

Prior to the last general election, the leader of the Conservative Party, who is now the Prime Minister, made it clear that Scotland, the north-east of England and Northern Ireland were areas that he would target for cuts. Those cuts are not due to the legacy that the Labour Party left this nation with; they are premeditated cuts that Northern Ireland was singled out for, along with Scotland and the north-east of England, because of votes and seats. We have been dealt with harshly because of that.

Mr Bell: The Member for North Belfast makes his point very well. I will address it and then give way to Mr Beggs. These are difficult Budget choices, and they are difficult because the current Prime Minister and the Conservative-led coalition did not make any secret of the cuts. They went on to what is probably one of the top programmes and informed us of the Budget that

we would have to deal with and informed us that we would be singled out and targeted.

Mr G Robinson: No ifs or buts.

Mr Bell: There are, as Mr Robinson says, no ifs or buts; it was always going to be a question of cuts. As we deal with those cuts through the Budget Bill, David Cameron has been airbrushed out of the policy papers and manifestos. However, the proposed cuts have not been airbrushed out, nor have the difficulties for those who went to the doors and called for those cuts during a campaign when the current British Prime Minister stated exactly what he was going to do.

Mr Beggs: The Member is trying to airbrush out the background of where we are today. Let us be honest: there was over-expenditure by Governments throughout western Europe. The Labour Government spent beyond their credit limits even before the banking industry collapsed, and it was from that that many of our difficulties arose.

I am interested to learn the Member's view of the Budget, given that members of his party came together with the Conservatives and the Liberal Democrats and voted against the amendments that were tabled by opposition parties to The Queen's Speech in the House of Commons. Is there not a contradiction with what the Member said today and the actions of the five MPs from his party who took the trouble to go to Westminster to vote against those amendments when many others were absent? Why did 100% of his party's MPs vote against those amendments if that is how they truly felt?

Mr Deputy Speaker: Order. Before the Member resumes, I should say that we have had a number of interventions. I asked Members to put their names down if they wanted to speak so that we would have fewer interventions and allow the debate to continue. The debate should continue on the Budget Bill, not go round the world.

Mr Bell: OK, Mr Deputy Speaker, I will follow your direction. We are dealing with difficult Budget choices and a smaller slice of the cake, and everyone knows why we are in that position.

People are fighting to keep their jobs, and the National Health Service, which is performing well, is under enormous strains because of the advances in medicine and our success in getting our population to live longer. People want to know how we will respond to those strains.

No one, certainly not in Strangford, has asked me to go to the Assembly to play silly games. Rather, they tell me that they want me to make the difficult choices that will help to bring Northern Ireland out of recession. We are in one of the most prolonged recessions ever, and people want to know how we will come out of it.

That brings me on to my second point. We can be successful only by prioritising the economy. It cannot be a time of here today, gone to borrow. The money was borrowed, we have seen where excess borrowing and the collapse of confidence in the markets led us, and we need look no further than Greece or across the border. I fully appreciate that Northern Ireland, as part of our United Kingdom, does more business with the Republic of Ireland than it does with Brazil, Russia, India and China (BRIC). I will always support working with the BRIC economies, but I also know where a large part of our business is; therefore it gives me no pleasure to see what happened in the Republic of Ireland. However, we should not be swayed by the argument of the need to borrow excessively, because we saw what happened in Ireland and Greece when the markets collapsed.

We have to prioritise that economy, which means seeing how we can have a jobs-led economy. Major advances are being made. The Budget has and will be successful.

The Budget gave the Department for Employment and Learning probably the second most generous allocation after the Department of Health, Social Services and Public Safety. Why is the Department for Employment and Learning important in the Budget? This is why: Queen's University revealed this morning that it has developed a minuscule gene transport system that can be used to address breast cancer. That minuscule gene transport system can effectively transport poison directly to cancerous breast cells and kill those cells before they have a chance to develop.

Mr Deputy Speaker: Order. I must ask the Member to come back to the Budget debate. I know that all these debates are interesting, but we are debating the Final Stage of the Budget Bill. There have been two days of long debates already, and it is important for Members to stick to the Final Stage of the Budget Bill.

Mr Bell: I was saying that because the Final Stage is critical. We have £16 billion, and the allocation to the Department for Employment

and Learning and for further and higher education has probably delivered the greatest success and breakthrough in cancer, which has the potential to be world leading and world beating. I will finish with that point and use only one example. That is why I underline the importance of the Department for Employment and Learning.

We have to reform our public services. People know that we have less money. There is an opportunity to try to be more strategic with less money and to deliver a better outcome and a better-quality service on a reduced budget. That will be the challenge for the House.

When people watch proceedings in the House, they want to see whether we will take the serious challenge laid down before us, run away from it, try to play games with it or try to point the finger at other people and say that it was all their fault. I disagree with the fact that there are 108 Members, but that is a debate for another day. Will we tell our Ministers to go into an Executive to vote for the Budget while telling our Back-Benchers to come out of the Executive and vote against it? That is the most deceitful and dishonest politics that we could imagine in the circumstances that we face. It will not fool the people who are clearly looking to us to provide a consensus to bring them out of the recession that the Ulster Unionists and Conservatives have placed us in.

Ms Ritchie: Although the Bill relates to only part of the proposed expenditure in year 1 of the Budget, it is nonetheless part of a flawed process around a flawed draft Budget. The SDLP remains strongly of the view that the Budget needs to be improved substantially before it can be regarded as fit for purpose. As the SDLP pointed out many times, public expenditure is the only lever available to the Executive as they seek to rebalance and stimulate the economy. We must use that lever to the best of our ability. Therefore, the Budget needs to be based on sound economic principles, as does the final Budget that covers the whole four years.

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

Ms Ritchie: I will give way a little later, if that is OK.

The truth is that there are no meaningful economic policy principles underpinning the Budget. As the SDLP finance spokesman Declan O'Loan asked on numerous occasions: where is the vision, where is the strategy, and what Programme

for Government is this Budget providing the resources for?

4.45 pm

The answer is that, as acknowledged by the Minister of Finance in a written answer to me, there is no Programme for Government. It is not just Declan O'Loan who has raised these questions, although he was the first to do so. His criticism has been echoed by all manner of stakeholder, from the Northern Ireland Council for Voluntary Action (NICVA) in the community sector, right through to economic consultants, such as PricewaterhouseCoopers (PWC), and the main representatives of business and industry, including the Confederation of British Industry (CBI), the Institute of Directors (IOD) and the chambers of commerce. The Assembly Finance Committee, with its built-in DUP/Sinn Féin majority, has largely accepted Declan O'Loan's analysis. It has added its voice to the mounting criticism of the draft Budget.

No amount of lectures or assertions made about confusion or diversion will get away from the evidence base that tells us that this Budget, and even the draft Budget as it is currently being consulted on, is not fit for purpose.

Setting aside the party political hacks in the DUP and Sinn Féin, no one believes that this is a good Budget. Narrow, party political considerations aside, I do not believe that the DUP or Sinn Féin truly believe that this is a good budget, notwithstanding the assertions that have just been made by the Member for Strangford Mr Bell. It is not good enough on the part of those parties to expect support for a Budget just because they have managed to agree it. It has to be the right Budget in the interests of all of the population. My contention is that this Budget is a political accommodation between two parties, rather than a financial blueprint for the future.

I am happy to give way to Mr McLaughlin, and then to the Minister of Finance and Personnel.

Mr McLaughlin: I am grateful to the Member for giving way.

I have a question that the Member might address. No one argues that the Budget is perfect. Will she accept this simple point? There are four billion flaws in the Budget that we have to deal with.

Ms Ritchie: I am sure that the Member will agree with me that his party is prepared to accept £4 billion worth of cuts over the next four years. He should sup a little of the soup himself. I give way to the Minister of Finance because I was not ready to do so earlier. If he is not ready to intervene, perhaps I could continue?

The Minister of Finance and Personnel: I just wanted to express surprise at the lack of vision that the honourable lady has as to what the Assembly can do. She said that public expenditure is the only lever we have for rebalancing the economy. That is not what her party's document says. It talks about regulation, privatisation — a lot of privatisation — planning powers and many other things. Perhaps she is departing from that, or maybe the script she has in front of her forgot to mention that particular point.

All I ask is that, before the Member starts to talk about flawed Budget and flawed processes, she should perhaps think about some of the words she says and about the powers that rest with the Assembly to rebalance the economy. They go much wider than the Budget.

Ms Ritchie: Simply put, the Budget is not fit for purpose. The Minister of Finance knows that, and there may be a level of delusion in this Chamber. Members should examine what they think and say.

Even though the personalities and parties that hold the various Ministries are due to change in a number of weeks, the DUP could not resist the temptation to allocate the Budget in a way that makes life difficult for other unionist Ministers in DEL and Health. Party politics before people. That apart, they just passed the £4 billion of cuts without any real attempt to mitigate them.

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

Ms Ritchie: I would like to continue for a little bit.

You might have thought that, whatever the lack of dissent about the cuts in its own ranks, the DUP could not possibly get £4 billion worth of cuts past their partners in Sinn Féin.

You might think that a party that has spent months opposing spending cuts in the South of Ireland, where cuts are inevitable, could not possibly swallow £4 billion of cuts in the North, where they could be substantially avoided, but you would be wrong. After all, Sinn Féin goes through so many contortions; it is a green Tory

party in the North and a red revolutionary party in the South. It has accepted the cuts here without so much as a whimper. Sinn Féin will simply tell people that the Tories are to blame, and, if that does not work, it will tell them that new revenue streams and receipts are built into the Budget that will mitigate the cuts, but that is just not true. Less than 1% of the Budget could be described as new money or new receipts.

So, there we have it: a DUP/Sinn Féin Budget that does nothing for economic rebalancing and which imposes a mountain of misery on the least well-off in our community. It is a Budget that does nothing to create jobs or to protect front line services. That has been confirmed by most of our independent economic commentators. Setting to one side all the economic arguments, we have a draft Budget that does nothing to help build a shared future.

In all the hours of the debate on the draft Budget, I have heard few answers to the central economic and financial critique that was presented by the SDLP. Nearly all the responses to our constructive criticism have been party political in nature. There have been attacks on our past record. There have been accusations — we heard them again today — that we are not team players, and that our criticism is, in turn, politically motivated. I will come back to that point in a minute.

The truth is that all the yes-men and yes-women in the Chamber who are prepared to criticise the SDLP cannot answer us on any of the points of substance. They cannot tell us where the job creation is going to happen or how the allocation of £45 million in government spending over the next four years will help to rebalance and stimulate the economy. They do not explain why there is virtually no provision for new revenue streams or capital receipts from asset disposals, or why there are no anticipated cash releasing reforms. Even though many other commentators are now asking those questions, there are still no answers from any of the promoters of this flawed Budget.

The SDLP is not opposed to the Budget for narrow party political reasons. The Budget goes way beyond party politics. Our opposition is based around the simple fact that we want something better for our people. We know that we want a better outcome, and we know that that is attainable if the work is done properly. It is quite ridiculous to assume that, just because

something is cobbled together by the DUP and Sinn Féin and subsequently railroaded through the Executive, we are all obliged to support it. Incidentally, I have heard that more railroading lies ahead in the next couple of weeks.

Our bizarre rules may require Ministers to accept Executive decisions, even when they are railroaded through by two parties. However, our Assembly parties are not bound by such Executive decisions. As a party, we will always stand against Executive carve-ups that are against the best interests of our people throughout the North of Ireland. For example, we will never support the OFMDFM so-called cohesion, sharing and integration strategy, which is a blueprint for a permanent sectarian carve-up, nor will we lend credibility to the recently created social investment fund, which is designed to allow one party to dole out political patronage to its friends and to certain selected groups.

Our opposition on those issues is principled. Whatever some media commentators may write — commentators who, frankly, do not understand the detail of the draft Budget — it is not just opposition to annoy Peter and Martin.

Consider an issue such as student fees. Why was the DEL budget left so short in the first place that the Minister has to contemplate hiking fees? We oppose any hike in student fees, not because that might be popular but because it is right. Third level education must be accessible to people of all incomes and not just the well-off. Therefore, we cannot support a budget that envisages a hike in fees. For the same reason, we will not support any suggestion to cover the hole in the DEL budget by taking away the education maintenance allowance. Remember that we tried to amend the Vote on Account to that effect, but other parties did not support us.

The Minister of Finance and Personnel: That only covered half the bill for goodness' sake. Catch yourself on.

Ms Ritchie: I will take that point in a minute. The Minister of Finance knows full well that, on advice from the Business Office, that was the only device or technical mechanism available to do it.

We are deadly serious about the need for our Budget to drive job creation. This place in which we live will not progress economically or socially until we put people back into work. Job creation

is not just about loading up the Invest NI budget and hoping that it overachieves as it works hard to deliver foreign direct investment. We have to do more locally to generate employment and build indigenous business and industry. Although Invest NI has done well, we should not put all our job creation eggs in the Invest NI basket. Instead, we must prioritise programmes that will bring an immediate stimulus to our beleaguered construction sector. If that means postponing some projects that are low in jobs content in favour of those that are job rich, that is what we should do.

To be quite honest, there was no proper attempt to prioritise capital spending in this entire Budget process. Were handed a reduction in overall capital of 40%, which was pretty much passed on to Departments without any real attempt to identify priorities.

The Minister of Finance and Personnel: I am glad that the Member has given way on this point. I do not know where to start with her speech, but let me take the last point. She said that, in order to create jobs in the construction industry, we should concentrate on certain projects that are job rich even if it means sacrificing other ones. However, in the last debate on the Bill, her party was vociferous in its support for one of the biggest capital spending projects in the Budget, namely the A5. Believe me, that project is not job rich, because most of the money will go on buying land, and the rest will go on a capital intensive project. Maybe she will make her mind up before she makes those claims. What kind of projects does she want to be cut if her party is going to continue supporting projects that are capital intensive and land intensive but certainly not job intensive?

Ms Ritchie: The Minister has made a point, but he fails to recognise —

Mr McDevitt: Will the Member give way?

Ms Ritchie: Yes, I will give way.

Mr McDevitt: It will make great reading for the people of Larne that the Minister of Finance is opposed to one of the major trans-European network investments, which are critical for the development of the Larne port. Is the Minister suggesting that we should turn our noses up at an international agreement to bring capital investment into this region? Is that what he is

suggesting to the House? It seems to be what he suggested to the SDLP leader.

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

I was simply asking the party leader whether that is what she supports. It is your party that —

Mr Deputy Speaker: Order. I ask everyone to take their seats and to not speak from sedentary positions. The Member has the right to give way. However, interventions should be made through the Chair so that we do not have multiple interventions at one time but, rather, one at a time.

5.00 pm

Ms Ritchie: Thank you, Mr Deputy Speaker. There were several interventions, and I was shocked to hear the Minister of Finance, who is a Member for East Antrim, indicate his non-support for the Trans-European Network near Larne. On the other issue, I suggest that he examine the Budget with a view to quite quickly promoting job-rich investment such as housing, school maintenance —

The Minister of Finance and Personnel: Instead of what?

Mr O'Loan: Plus.

Ms Ritchie: Plus; they are in addition to the others.

I will continue, Mr Deputy Speaker. We were handed down an overall reduction in capital of some 40%, and as I said earlier, that was passed on to Departments without any real attempt to identify priorities. We believe that there should be a greater priority attached to investment in newbuild social housing, not simply because that happens to be a priority for the SDLP or our Minister but because such investment makes a major contribution to social stability and reducing human misery while providing a much-needed employment multiplier in the construction sector. In fact, independent analysis undertaken by a University of Ulster economist has already proved that point. I just wish that the Minister of Finance would pay heed to those economists when they undertake such reports and follow their advice.

Although it has little immediate effect on human suffering, there is a similar argument to be made for capital investment in the schools estate and maintenance. This Budget offers the

chance to create jobs and to improve our social and economic infrastructure, and I believe that we should take that chance. I hope that the Minister takes those opportunities, which are “plus”, as my colleague Mr O'Loan said from a sedentary position, or in addition to the others that I mentioned.

The green new deal affords an opportunity that the draft Budget also does not address. Although the business model for the green new deal may as yet be unproven, there is scope to embark on a major programme of home insulation that would protect thousands of low-income households against the cold — a fuel poverty measure — and create a very significant number of new jobs for those who have construction-related skills.

Some Members may not be persuaded of the merits of the green new deal's ability to reduce emissions, but they must surely acknowledge the potential that it offers for job creation, yet all the Budget offers for the green new deal is the possibility of funding some measures over four years to the tune of some £12 million, which is the estimated proceeds of a plastic bag levy. So, let us as a devolved Administration look at what we can do to make the best parts of the green new deal work not only for us but for the people in the wider community throughout the North of Ireland.

I must also refer to tourism. There is huge scope to develop the North's tourism offering in a way that generates thousands of new employment opportunities. The jobs plan published by the main business representative groups estimates that as many 15,000 could be created, but that will require investment. However, tourism investment is being cut in the Budget.

I have highlighted some of the areas that the SDLP has identified as needing additional investment, the prize for which would be a major boost to employment and economic growth. However, we are not just saying where we want the money to come from. In this document — I know that I cannot gesticulate too much — we have indicated where the money could come from and where it could go. I think that our financial paper, which we brought to the Budget review group and sent to the First Minister and deputy First Minister and, if I recall correctly, the Minister of Finance, provides an adequate solution. It also sets out in quite unprecedented detail how literally billions of pounds can be

found over the next four years from new revenue streams, additional capital receipts and cash-releasing efficiency savings. I commend that paper to those Members who have not read it.

Today and in the past few weeks, some Members have attacked the SDLP for trying to change the Budget; however, that is not only our right but our duty, because we are doing it in the interests of the people. There is still time to get the Budget right. I appeal to the other parties: let us make this Budget fit for purpose; it is our duty and responsibility as elected representatives. Let us make the consultation exercise meaningful instead of a charade. Above all, four years into devolution, let us end the era of ostrich economics.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. Whoever penned the SDLP leader's speech deserves a bonus, because before I came into the Chamber I did not have a speech, but after listening to the SDLP leader, I do. They have put together two speeches for the price of one.

What worries me slightly more is the point that the Finance Minister made when he challenged the leader of the SDLP on her comment that public expenditure is the only way out. If Members read the SDLP's speeches or its document in response to the Budget and how we move forward with the Budget Bill, they will see that the SDLP is not seeking public expenditure as the only way out; it is seeking a privatisation agenda as the only way out. Littered throughout its proposals are suggestions that we sell off public assets and, not only that, but that we sell off public assets that are bringing revenue into our much straitened coffers. For instance, selling off public car parks seems like a good idea. However, if we were to sell off public car parks in the current economic climate, I do not imagine that we would get value for money for them.

Mr McDevitt: Will the Member give way?

Mr O'Dowd: I will in a moment. If we sell off our public car parks, not only would we lose valuable assets at a lower price than we should get for them, but we would also lose some £11 million in revenue a year coming from those car parks into the public purse. That £11 million would go instead into a private developer's pocket for use in the private rather than the public sector.

Mr McDevitt: I thank Mr O'Dowd for giving way. He highlights the important difference between selling off an asset and selling off a going concern. If we were talking about flogging all the assets in a depressed market, we would have a problem. However, public car parks are going concerns; it is not an asset that is being sold but a business. It is in our interest to do that, because we would get a better return from the sale of that business than we would from running it inefficiently for the next decade and a half. That is the point at issue. If Mr O'Dowd is saying that it is the business of the state to run businesses that are better run in the private sector, we will have an ideological battle on our hands. My social democracy and my politics do not say that the state should do what the private sector does better.

Mr O'Dowd: That was another speech that I could start on. Car parks are only a small part of the privatisation issue but an important one to look at when talking about our future budgetary processes. The Member asks whether we are looking to hold on to the car parks so that they can be run inefficiently for the next decade and a half. Then he tells me that the reason that the SDLP wishes to sell off car parks is that they are a going concern. That suggests that the car parks are being run perfectly well. After all, it does not take a Bill Gates to run a car park. It appears that the car parks are being run well. *[Interruption.]*

In relation to future Budget proposals, the Member tells us that the SDLP wishes to sell off only going concerns, which is a matter of concern in itself. Why, then, does he wish to sell off Derry airport? Derry airport is not a going concern; it has just received £8 million of public funds to ensure that it is run as a valuable asset to the economy in the north-west. However, it is not a going concern.

The estimated funds that would be raised are nowhere near the SDLP's projection.

Mr McElduff: Does the Member accept that the airport is flying?

Mr O'Dowd: I accept that wholeheartedly.

I have no difficulty with any political party coming to the Chamber and challenging the draft Budget. In fact, I encourage it. I have no difficulty with any party coming to the Chamber and bringing forward amendments to either the spring Supplementary Estimates or the

Budget Bill. In fact, I encourage it. I am not here to defend the draft Budget as being the Holy Grail. However, if we are to make changes to it, they have to stack up and be viable and workable. Before someone from the SDLP wishes to intervene, the party has belatedly produced a document that contains revenue-raising proposals. Each and every one of those proposals deserves to be scrutinised and looked at from every angle. If they are workable, there is a duty on the Executive to use those revenue-raising measures or economic proposals in any document that is brought forward. However, I suspect that that is not the ambition of the SDLP. Its members have commented that the Assembly has failed, that the draft Budget is a failure and that the Budget process is flawed, so I suspect that they are involved in opposition for opposition's sake, which is not always good opposition.

There is a role in every democracy for a positive contribution from voices outside government. The difficulty that we have, which I accept, is that all the parties are involved in government, and there is an onus on them to provide good government. However, if people have alternative points of view, they should put them forward in a genuine frame of mind so that we move forward towards a more viable budgetary process and Budget than we currently have.

Sinn Féin is involved in a process of trying to construct a Budget and to ensure stable government, but I do not accept that in some way that reads across that our party has accepted Tory cuts. It does not in any way read across in that manner. I have challenged the SDLP and maybe some of its members will intervene on this point. I know that you are trying to cut down on interventions, a LeasCheann Comhairle, but I think that it is an important point. Members of the SDLP say that Sinn Féin is involved in implementing Tory cuts because we are involved in trying to create a good Budget out of a draft Budget and trying to create stable government. Is the SDLP suggesting that Sinn Féin should walk away from government? Is it suggesting that we should tear down the Executive, the institutions of the Good Friday Agreement and the gains of the peace process and hand that all back to direct rule Ministers?

Mr A Maskey: I thank the Member for giving way. Does he agree that the SDLP contested last year's Westminster elections almost exclusively on the basis that it needed to be

returned to take its seats in Westminster to stop the British Government planned cuts, which it said would be savage? It said that it needed to be in Westminster to stop those cuts. The cuts that we now face were imposed by either Sinn Féin or the British Government. Clearly, they were imposed by the British Government. That was stated in the SDLP's manifesto last year, and it failed to address or stop them.

Mr McDevitt: Will the Member give way?

Mr O'Loan: Will the Member give way?

Mr O'Dowd: I will in a moment. I fully agree with the Member. A lot of that was confirmed today in the SDLP leader's speech. She referred, on several occasions, to the cuts that we were handed down. Where were they handed down from? They were handed down from Westminster. If the SDLP is suggesting that to be involved in the Executive, in positive politics and in trying to make a better way forward is accepting Tory cuts, it is, quite simply, wrong.

I was surprised that the SDLP leader referred to the Oireachtas and the economic woes of the South because she recently told the 'Belfast Telegraph' that she would not interfere in the Irish elections. Her party colleague Mr McDevitt told me yesterday on air that he would not interfere in Southern politics. Those comments come from a party that claims to be nationalist.

Mr A Maskey: It is partitionist.

Mr O'Dowd: That could be correct.

5.15 pm

Mr Deputy Speaker: I think that we need to come back again to the Budget Bill debate.

Mr O'Dowd: My comments relate to the Budget in the sense that the Southern state now has limited control of its economic destiny. We here have not got control of our economic destiny. We have been handed down a block grant from Westminster, where the SDLP told us that they were going to affirm an oath of allegiance to the English Queen and stop the Budget cuts by doing that. The SDLP did not; it failed to do that and it has to accept that it failed. Those Budget cuts have now landed on the front doorstep of the Executive. The Executive have brought forward a draft Budget, and this Bill is about implementing the first year of that.

Mr O'Loan: Will the Member give way?

Mr O'Dowd: I will in a moment. Through that draft Budget, the Executive have sought suggestions on the way forward. That is the stage that we are at in the legislative process around the Budget. That is the stage that we are at around the draft Budget. As I said, if Members have positive contributions to make, they should do so.

Mr O'Loan: Will the Member give way?

Mr O'Dowd: I think that Mr McDevitt was looking in first.

Mr McDevitt: Will you give way to both of us?
[Laughter.]

Mr O'Loan: If I may make a remark, thank you. I have two points. The Member said that the Budget was not created by a bad process. I suggest that he reads the Finance Committee's report, in which he will find criticisms of the budgetary process that are as strong as any that the SDLP has put forward, and those criticisms were endorsed and totally agreed by his fellow party members on that Committee.

Secondly, is he suggesting that because cuts were imposed on the Northern Ireland block by the coalition Government at Westminster, we are saying that we should walk away? That is a non sequitur; I am sure that he understands what a non sequitur is. We are not asking for anyone to walk away; quite the opposite. We are asking for everybody to sit around the table in proper partnership fashion and forge a Budget that will address the challenges put in front of us.

Mr O'Dowd: Well, it may have been a non sequitur, but that is definitely horse manure.

Mr O'Loan: On a point of order, Mr Deputy Speaker. Is that language acceptable to you?

Mr O'Dowd: I thought that Mr O'Loan came from a rural background, but perhaps I am mistaken. He will be aware —

Mr Deputy Speaker: Continue with the Budget Bill.

Mr O'Dowd: He will be aware that, if you plant enough horse manure around roses at this time of the year, you will get a beautiful flower in the summer.

The fact is that the SDLP Members have still not answered my question about the budgetary process. How are they opposing Tory cuts? What are they doing differently from what Sinn Féin —

Mr McDevitt: Will the Member give way?

Mr O'Dowd: I will in a moment. What are they doing differently from what Sinn Féin, the DUP and others are doing? They tell us that they brought forward proposals for revenue-raising measures. However, in this very Chamber yesterday, when the first proposal for raising revenue was brought forward and debated, the SDLP voted against it. If you are bringing forward revenue-raising measures in relation to the Budget, the Budget Bill and other matters, legislation is required around a multitude of such measures. If SDLP Members are going to vote against each piece of that legislation, the fact is that they will be imposing cuts on our Budget. It will not be the Tories, but the SDLP who will impose the cuts.

Mr McDevitt: Will the Member give way?

Mr O'Dowd: This is the last time that I will give way.

Mr McDevitt: I appreciate Mr O'Dowd giving way. Mr O'Dowd makes great speeches, I will give him that. However, there is a credibility problem. When the comprehensive spending review was published in the United Kingdom in September last year, Mr O'Dowd and any number of Sinn Féin spokespersons lined up to tell us that they would reject the Tory cuts. They camped out for over two months in direct opposition, and I do not disagree with their right to do so. The SDLP MPs went through the Lobbies in Westminster every time they were asked to do so; having republicans beside them would have added credibility and weight.

Mr A Maskey: You made a big impact there, didn't you?

Mr McDevitt: It is good to see Mr Maskey out of retirement and making an intervention again. It would have added weight and credibility to that. The question, Mr Deputy Speaker, is this: having camped out in opposition and gone the media, what happened in private with the Chancellor that caused them to surrender to the Tory agenda? We are today debating the consequences of that. We are debating the consequences of the fact that, for one reason or another, between September and December last year, Sinn Féin went from opposing Tory cuts to the acceptance of a Tory reality.

Mr O'Dowd: That is the last intervention that I will allow, because I am coming to the end of my contribution, but I will answer those points.

From the period between George Osborne making his speech in Westminster and the draft Budget being published, one memory sticks in my mind: the constant barrage that Sinn Féin came under from many parties, particularly the SDLP. The message was simple: give us a Budget, any Budget. That was the SDLP's demand on the airwaves, in the Chamber, on the hustings and anywhere that it wished to be listened to. Sinn Féin's message was simple: no, we will get a Budget when we can get the best deal that we possibly can. That is what we have done. We brought forward a Budget that includes £800 million of additional spending and proposals for a further £800 million of spending. The SDLP has still not answered the question: how, on its agenda, does it propose that the parties in the Chamber should oppose the Tory cuts? In my mind, what they are saying remains simple: bring down the institutions —

Ms Ritchie: Will the Member give way?

Mr O'Dowd: No.

Bring down the institutions and hand the Departments back to the same Tory Ministers that they tell us they are opposed to.

Ms Ritchie: Will the Member give way?

Mr Deputy Speaker: It is clear that the Member does not want to give way, and I have asked for fewer interventions as well.

Mr O'Dowd: In conclusion, as my colleague Mitchel McLaughlin said, there are four billion flaws in the draft Budget.

Ms Ritchie: And you have accepted them.

Mr O'Dowd: I will give way to the Member if she tells me how we should oppose them.

Ms Ritchie: Is the Member aware — he was probably one of the distributors — that although they endorsed Tory cuts in the Executive, he and his Upper Bann colleagues have been handing out brochures that, I am reliably informed, say “Stop the Tory Cuts”? At the same time, Mr O'Dowd and his colleagues have been fully supporting, endorsing and bringing forward Tory cuts, and they are doing nothing about it in the House of Commons, because they do not even

take their seats. They can cry all they like, but they are bringing in cuts.

Mr O'Dowd: I regret to say that I have never appeared in a brochure in my life, but I have appeared on the front of a newspaper —

Mr Beggs: On a point of order, Mr Deputy Speaker. We are talking about Tory cuts. Given that the Liberals and the Democratic Unionist Party voted along with the Conservative Party, are they not —

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

Mr O'Dowd: I regret that I have never appeared on a brochure in my life, but I have appeared on the front of a newspaper in Upper Bann, and the headline was “We are opposed to Tory cuts”. We are, and we are opposed to Tory rule in Ireland. I will tell the Member why we did not go to Westminster. There is a video nasty floating about the Internet that shows the Member and a couple of other Members from the same party affirming an oath of allegiance to the English Queen. That is one of the many reasons why we did not go to Westminster. Even though the Member told us and the electorate that the SDLP would go to Westminster to stop Tory cuts, the fact remains that they did not stop Tory cuts.

I will end on this point: we have a Budget Bill and a draft Budget before us, and, if any party or Member brings forward improvements to them, they will not find Sinn Féin wanting in that regard.

Mr Givan: I do not wish to detain the House for much longer, because I know that the Finance Minister is champing at the bit to respond to the excitement that he has been hearing all afternoon. Nevertheless, I will make a couple of comments on the issue. A lot of Members have been trying to rewrite history and their own positions, so it is only right that we correct the error of their ways in putting a case that misleads people.

First, I will make a point to my colleague in Lagan Valley Basil McCrea. He indicated that it was OK for the DUP to do something at Westminster and that that somehow passed on a right for the Ulster Unionists or the SDLP to oppose things. The difference is, and it is a fundamental difference, that we are part of a mandatory coalition in which the Ulster

Unionist Party and the SDLP are members of the Executive.

They are here to govern and are meant to govern and take that responsibility in a collective fashion. So, if they do not vote for the Budget, there is a natural consequence to their being part of the Executive. You cannot oppose something that is coming through and remain in the Executive if you hold that principal point of view. Members should at least be honest.

Mr B McCrea: Will the Member give way?

Mr Givan: I have only started, but I will give way.

Mr B McCrea: I am sure, Mr Deputy Speaker, that we can have a few more interventions. Has the Member written some rule book himself that says what we can and cannot do? Who put Mr Givan in charge of what we are allowed to do? That is what is wrong in this Assembly: the DUP and its ally Sinn Féin think that they alone have a say. That is not the case. We are here to argue on behalf of the Ministry that we look after. People on the Benches beside us will agree that many of their constituents are worried about health and that many of their constituents will come in and say, "Can you please help?" It is incumbent on us to fight for that. We do that in the knowledge that we may not have the Ministry of Health in the years to come, but we do it because it is right. Finally, when the DUP was negotiating its deal at St Andrews, maybe it should have asked for more money.

Mr Givan: I thank the Member for the intervention, which was as useless as ever. Maybe if his political masters in London had honoured the agreements that were entered into on the £18 billion of capital investment, we would not be facing the difficulties that we are facing. David Cameron and the Conservatives reneged on commitments that were made to the people of Northern Ireland. The Ulster Unionist Party campaigned for the Tories at the last Westminster election, and David Cameron put Northern Ireland first on his list for cuts. They told the people — *[Interruption.]*

Mr Deputy Speaker: Order. We will have the Budget debate, not the cross-party debate. I remind Members of Standing Order 17(7), which deals with the persistent irrelevance and tedious debate. *[Laughter.]* That is what we have had today. So, I ask all — *[Interruption.]*

Order. I ask Members from all parties to take that into account, because that is the debate that we are having today. I ask the Member to continue.

Mr Givan: I am sure, Mr Deputy Speaker, that you will give me the same latitude that has been afforded to other Members of the House throughout the afternoon. It is fair to say that we must have honesty and consistency when this issue is being debated. There are those who are prepared to take responsibility and to take tough decisions that minimise the Tory cuts that have been passed on from London, which the party beside me advocated and asked the public to vote for. We are taking tough decisions that reduce the impact of those Tory cuts. The Ulster Unionist Party can pretend and can try to con the people outside that, somehow, it is not really part of that Tory Government but is just a franchisee. The public are not stupid; they recognise that that is a con job. Basil McCrea has been wheeled out as the cheerleader with pompoms, and he thinks that he will convince the public somehow. That will not happen; we will make sure that it will not happen.

The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff): Go raibh maith agat. I speak on behalf of the Culture, Arts and Leisure Committee, as I am mandated to do.

Throughout the Budget Bill process, our Committee — we want to put this on the record — scrutinised and advised the Department of Culture, Arts and Leisure on the management of its annual budget, both the capital and revenue parts, through the mechanism of the quarterly monitoring rounds and through briefing sessions from the Department and its various arm's-length bodies on the revised spending plans. During evidence sessions with the Department officials, the Committee was updated on a range of adjustments that affected spending profiles as the year progressed. On all occasions, the Committee challenged the Department to explain its reasons for making bids and surrendering resources, and we were especially disappointed to learn that, in this time of economic hardship, the Department surrendered £897,000 to DFP in the past financial year.

5.30 pm

Given that the British Treasury has tightened the rules on end-year flexibility, the Committee urges the Department to have tighter control of its resources and to put in place steps to

address inefficiencies on the capital side. It continues to trouble the Committee for Culture, Arts and Leisure that capital money is handed back when there are chances to create short window-of-opportunity programmes for sport to address the needs of sporting organisations at community level.

As the Final Stage of the Budget Bill makes provision for discussion on year 1 of the Budget, 2011-12, I ask that the House takes note that the Department of Culture, Arts and Leisure has, proportionately, the smallest budget. In real terms, its budget accounts for only 1% of the Executive's total expenditure, but it is sustaining, proportionately, the second biggest cut, £14.5 million, in the current spending round.

Mrs D Kelly: I note that the concern that the Chairperson of the Committee for Culture, Arts and Leisure has expressed on the cuts facing the DCAL budget, but, in his scrutiny role, will he share my concern that £4 million has been set aside and earmarked for the Ulster-Scots Academy over the next four years? Given the losses that there will be too many small sporting organisations and, indeed, the arts sector because of the Budget, should the Minister of Culture, Arts and Leisure reconsider the priorities in the reduced budget for the next four years?

The Chairperson of the Committee for Culture, Arts and Leisure: As Chairperson of the Committee, I am not in a position to endorse that. Speaking personally, I might. Inside any Department, there is always a debate about the prioritisation of projects, and strong voices are speaking out on that matter.

In other opportunities to speak to the House on that matter, I said that small reductions to the Department's budget and even smaller changes to the baseline will have a disproportionate effect not only on major capital projects but on smaller projects that are designed to deliver projects across the spectrum of culture, arts, libraries and sport. Most of those bring grassroots services to the most disadvantaged communities of this region.

I invite the Minister to revisit the proposed closure of 10 rural libraries, on which consultation is under way. I am aware of a group of primary-school children from Draperstown, or Ballinascreen, in County Derry who plan to come to Stormont next week to hand over a petition to save their library, which has been earmarked for closure. The

closure of that library would save only £55,000 a year, which is a relatively small amount of money in budgetary terms. However, enormous educational, social and moral damage to the community will take place.

Similarly, other communities, including Moneymore, Moy and, not least, Fintona in County Tyrone, are disturbed by the prospect of the closure of their library. Later this week, there will be a public consultation on the future of Fintona library. I ask Minister Wilson to address the fact that, on World Book Day, which is this Thursday, hundreds of people will convene at Fintona Golf Club in an attempt to save the local library. Fintona is an area of high social deprivation, and it is well known to Minister Foster, who will drive through it sometimes.

Mrs Foster: Perhaps the Member would like to extend an invitation to the Minister of Finance and Personnel to attend.

The Chairperson of the Committee for Culture, Arts and Leisure: I am very grateful for that, Arlene. If you get the chance, maybe you could drop by.

I want the Minister of Finance and Personnel and the Minister of Culture, Arts and Leisure to take note of the fact that, on World Book Day, hundreds of people in Fintona, County Tyrone, will be fighting for the retention of their library.

A small refurbishment of the physical infrastructure of Fintona library in Main Street, Fintona, will save it. In an area of high social deprivation, it is of huge importance. What I am really saying is that libraries in rural communities should not have to close to save a relatively small amount of money in this context.

Mr G Robinson: Does the Member realise that a new library opened in Dungiven, which is in my constituency, last Friday morning?

The Chairperson of the Committee for Culture, Arts and Leisure: Yes, and I record my appreciation to the Minister of Culture, Arts and Leisure and to Libraries NI for presiding over the development of Dungiven library. I know that the Member felt strongly about the issue and lobbied for a library in Dungiven, and I am very grateful that he mentioned that. There is some good news and some bad news.

Mr B McCrea: Will the Member give way?

The Chairperson of the Committee for Culture, Arts and Leisure: It is quite difficult. Mr Deputy Speaker, you are urging me not to give way, but, since it is Basil McCrea, this might be my last endeavour.

Mr Deputy Speaker: We need to make some progress and maybe have fewer interventions.

Mr B McCrea: I will not detain you, but we have had some discussion on the matter. I recently went to a rhythm and rhyme class in Lisburn library, and I wonder whether it has extended to your library because it makes a great difference.

The Chairperson of the Committee for Culture, Arts and Leisure: The Member makes a good point. There are excellent services being delivered to Sure Start projects, to primary school groups and to disadvantaged communities, and a relatively small amount of money could offset any potential threat or closure. I am particularly zoning in on libraries in this contribution because Libraries NI is an arm's-length body of the Department. It is a relatively young organisation, which is not yet two years old. The Committee feels that the organisation should have received some immunity from the budgetary cuts to allow it to develop. I ask the Minister to specifically address the uniqueness of our library provision, not least in rural areas, and how that can be saved.

The Committee also wishes to highlight to the House that in the area of the arts, culture and sports, lottery funding was never intended to fill the financial gaps that will be left by the Budget Bill. Lottery funding is not an alternative to governmental or departmental funding, but rather it was created to supplement it. The Committee is concerned that it has justified the higher than proportionate reduction in spend on the arts and sports, as it is anticipated that lottery funding for sports and the arts will increase over the next four years.

In light of the first year of the Budget, the Department's figures for relocation of expenditure and capital investment were provided to the Committee when DCAL officials briefed us on 13 January. Due to time constraints, I am unable to highlight all the Committee's concerns over the first year of the Budget allocations. However, suffice it to say that we are very concerned that the arts, culture, sport, and, particularly, libraries have not been given more protection, and the second phase of the review of libraries takes in those 10 rural areas.

Given that a society is as much judged by its culture as by its education and health systems, this is a very serious issue. The first year of the Budget sets a baseline from which other allocations are reduced. If the first year's allocations were to be raised even slightly, it would ensure that community arts and sports projects and libraries would not need to close. Once they have closed, it will be very difficult to secure their reopening in the future. However, our Committee also wants to welcome the fact that the arts will be given a £3.62 million capital expenditure allocation to meet its contractual obligations in light of the Lyric Theatre and the Metropolitan Arts Centre (MAC) projects. However, given the subsequent reduction on allocation for the other three years, members are concerned that, although we have state-of-the-art venues and theatres, we need programmes to fill them.

On a final note, our Committee remains of the view that the overall allocation to the Department of Culture, Arts and Leisure is not sufficient. DCAL is still suffering from the legacy of the past, in which the Government have consistently undervalued the contribution that sport and the arts make to all sectors of society. Sport and arts are important for sport and arts' sake, but they are also very important for health, the economy, tourism and other related business areas of government.

Mr Dallat: Mr Deputy Speaker, my contribution will be short, so I hope you will give me a little bit of flexibility. When the debate was taking place this morning, I wandered off to the Library to see what a Budget debate was like in the Stormont of 1972. In those days, the Minister was a Mr Kirk, and during the debate he explained how a farmer could modify his Land Rover to qualify for cheaper road tax. In 1972, this place was in turmoil. It is something that we want to remember, but, at the same time, forget.

Today, we are having a Budget debate, and a delegation of people who are concerned about their jobs gathered outside. One could say that we tend to fiddle while Rome burns, which is not good.

I was getting into Mr Kirk's speech, when John Hume interrupted him and asked whether it was Budget debate or a pantomime. Of course, it was meant to be a Budget debate, and I am sure that this is meant to be one too.

We are concerned about job losses and the reduced housing budget; the same things that were happening 40 years ago.

Mr McLaughlin: Will the Member give way?

Mr Dallat: Wait a minute. Earlier, we were told by Jonathan Bell, who I am sorry to say has left the Chamber, that we are running away. Nineteen seventy-two was a bad year. I joined the SDLP in that year: I did not run away then, and I am not running away now. No member of my party will be running away, irrespective of what cosy little relationship is taking place across the Floor. We stood between two extremes, and we will continue to do so.

I want to move on to my specific topic, which is the environment. The first thing that struck me on a recent, short, easyJet trip to Slovenia, which is a new emerging European country that, for years, was behind the Iron Curtain, was the cleanliness of the environment there. The capital city, Ljubljana, is spotless. Here, we are agreeing to a Budget in which the money for the environment has to come from Daithí McKay's blue plastic bag tax. However, the Minister of the Environment openly and honestly admitted this morning that there is absolutely no way that we can collect the money for that.

The Chairperson of the Committee for Finance and Personnel: Was it not the SDLP who came to the House and proposed that a further £0.7 million be cut from the environment budget?

Mr Dallat: The SDLP has always taken a responsible approach to limited resources and we will always do that. We will not run away from it.

The Planning Service is dependent on planning fees, which are now diminishing. I represent an area on the north coast where planning decisions have been dreadful. We need proper enforcement. The Minister of the Environment recently granted approval for a second landfill site in the area that I represent, but there are no resources to police it or to ensure that the modern-day criminality that abused the environment laws cannot make their money.

This is a serious day. There have been times when we have laughed at jokes and when silly remarks have been shouted across the Floor. I assure both sides that the SDLP will be here at the end of the day, as it was in 1972 and during all the dreadful years in between. We will ensure that the people outside who have lost their jobs

or who are in danger of losing their jobs, and the 70 or 80 people in the Building whose jobs are under threat, are heard. Those who do not agree with that can have their fun and laughter, but, at the end of the day, we will be here, and we will ensure that the limited budget that we have is spent properly.

We do not want a repeat of people having to go out onto the streets to demand such basics as jobs, housing and the right to have their voices heard. One key element of the civil rights movement was the right of individuals to have their voices heard through the vote. In my experience in this Assembly, at times I have believed that I have gone through the tunnel of time and am back in 1972, when my voice was not heard and my party's voice was not heard.

5.45 pm

Mr Callaghan: I thank the Member for giving way. Obviously, I was but a twinkle in my daddy's eye in 1972, but what I know from our history is that in 1972 one of the issues that caused great consternation and distress was the lack of investment in the north-west, including in my colleague's constituency.

It seems to me that, although over a quarter of a century has passed since then, this Budget repeats and reflects the very same underinvestment in our part of this region that prevailed back then and caused so much understandable frustration and anger, in part over the uncertainty about the radiotherapy centre at Altnagelvin and the lack of specific provision for programme money for the City of Culture. Unless I missed something, I think the Chairperson of the Committee for Culture, Arts and Leisure, who is not currently here, mentioned that.

I know that an issue very close to my colleague Mr Dallat's heart is the pollution in the town of Dungiven in his constituency. We talk about the environment and the neglect of the north-west, but this Budget provides for not a sod to be turned in the four-year prospectus of its term for the Derry to Dungiven road upgrade project. That project is important for the environment in Dungiven and surrounding areas, not only in reducing the pollution affecting the residents of that much-harassed town but in providing the very jobs that the Member talks about, and not only giving employment in the construction phase but subsequently helping to stimulate employment in the north-west economy.

Mr Deputy Speaker: I remind Members that interventions should be short and to the point.

Mr Dallat: I am not complaining. I think the intervention was timely and covered many aspects that I intended to cover. *[Interruption.]* Sorry, I thought there was another intervention coming, but it was just Dolores leaving.

In conclusion and to recap, Mr Kirk may have spent his time in 1972 discussing the back end of a Land Rover; let us hope that we are not doing something equally silly today. Let us hope that our focus is clearly on creating jobs, not putting people out of jobs. Let us hope that we reflect on the reduced budget for social housing. Above all, let us recapture the partnership spirit of this Assembly, which was enshrined in the Good Friday Agreement but has now disgracefully evaporated and eroded.

The Minister of Finance and Personnel: I think that we have had a rerun of previous debates on this issue. I am not so sure that anything has been learned from the previous debates; I think we have just had the same old prejudices and the same old phrases repeated time and time again. Nevertheless, there appear to be some Members who have actually stayed this time to hear replies to the points that they have made, and I hope that they will stay throughout.

I will take interventions from Mr McCrea. I notice that Mr McCrea started his speech by saying that he was greatly disappointed that I did not take interventions from him, but, of course, one of the reasons for that is that Mr McCrea never stays to listen to my speeches. He is in and out like a yo-yo. He comes in and makes his contribution, then leaves. However, he is here today, and I am glad that he is. I will give him every opportunity to make interventions if he wishes to.

As you have pointed out to Members on a number of occasions, we are not actually debating the Budget today. We are debating the Budget Bill, which enables Departments to spend moneys for the next four months, in the new financial year, until the Budget is finally agreed by the Assembly sometime in June, and also authorises the spending that has taken place and that has varied during 2010-11.

That is why I find it very odd when people like Mr McCrea talk about proposals being long on rhetoric and short on detail. That shows what preparation he did before he came into

the Chamber to talk about the Budget. Indeed, once I come to his comments, we will see just how little preparation he did, and what little contribution he made during his speech. That is fairly typical of what we have come to expect from some Members on his side of the House when it comes to any reference to the Budget. Indeed, you have only to mention the word "Budget", and it is like the immediate responses of Pavlov's dogs. I can tell you what those responses are: the Budget is a DUP/Sinn Féin carve-up; it shows lack of vision; and there is no Programme for Government attached to it. I know them all off by heart. All those points have been repeated time and again, and been answered time and again, but that does not stop Pavlov's dogs in the Assembly reaching for their favourite catchphrases.

I thank Members for taking the opportunity to raise some points. Mr McKay, Chairperson of the Committee for Finance and Personnel, raised the Committee report. He rightly pointed out that the job of the Committee is to scrutinise the Department's proposals and to collate the proposals from other Departments. In doing that, I would not have expected anything other than for the Committee to raise some of the concerns that it raised.

It is one thing to say that concerns were raised and issues were highlighted about the way in which the money was spent. By and large, however, the Committee report simply reflects the special pleading that has come from each Committee for more money to be spent, without any answer to the following question: if you want to spend more money on one thing, what do you not spend it on? That is a constant theme that I will come back to. We have a finite amount of money available to us, and we have to deal with that.

Mr Frew raised the issue of the challenging times in which the Budget comes. These are challenging times, but not of our making. They are challenging times not because the Assembly has mismanaged public finances or because we have made mistakes, but because 90% of the Budget that is available to us comes from Westminster. The Westminster Government have decided that, as part of their deficit reduction programme, they will reduce spending in the United Kingdom. As a result of the Barnett consequential, we have taken our reductions, and on top of that are all the other discretionary things that the Government have imposed on us.

Mr McCrea claimed in his speech that I said that this was probably the kind of deal that we expected. With regard to the Budget allocation and the Barnett consequential, yes it is. It is exactly what my officials predicted and exactly what we told Ministers in June 2010 to prepare themselves for and to start to make savings plans on the basis of, because the intelligence was fairly good. On top of that, however, there were discretionary reductions: for example, the £316 million from the end-year flexibility; the decision not to see through the promised £18 billion programme; and imposing the Barnett consequential on policing and justice without any consultation with us.

Let me make it clear that those were discretionary decisions made by the Government at Westminster. As far as I am concerned, that was the outworking of the comments made, as a Member mentioned, by the leader of the Conservative Party on 'Newsnight'. The Conservative leader made it clear that he wanted to reduce the amount of public spending, especially in those areas in the United Kingdom that had grown dependent on it, and he named Northern Ireland. It is with some strength of feeling that I say that, despite those comments, the party on my right canvassed for Conservative Party candidates. Despite knowing of the prejudice in the Conservative Party, as expressed by its leader, its members said that, if they went to Westminster, they would vote with that party and see through its programme. We can say that the Budget cuts that we face are Ulster Unionist Party cuts because it voted for them.

Mr B McCrea: Will the Minister give way?

The Minister of Finance and Personnel: I will give way in a wee moment or two. Members of the Ulster Unionist Party voted for them, advocated that others vote for the party that imposed them and said that they would take the Conservative Whip at Westminster. Indeed, they went further. Even now that they know the consequences, they have said that they would still be prepared to be the Conservative franchise in Northern Ireland. In other words, the Ulster Unionist Party would carry the Conservative name and banner. It would carry the flag for the cuts. The Ulster Unionist Party cannot have it both ways. It cannot condemn us for the cuts while supporting the party that imposed them.

Mr B McCrea: I am grateful to the Minister for allowing me to interrupt his great rhetoric. The point that I put to him — *[Interruption.]* I see that the Minister's chief cheerleader is on the Back Benches. We can all raise our voice and make the big gestures. We can demand this and demand that. The real issue is whether we will ever start to talk about reality. I wanted to ask the Minister whether there was a difference of opinion. He said:

"I and my party have not joined in the siren calls to 'resist the Tory cuts'".

He could have fooled me, because all I hear is that it is somebody else's fault, not theirs. What about "Made in Northern Ireland"? What about taking responsibility? The challenge that we put to the Minister and his party is to explain why they criticise in one place and do the opposite somewhere else.

The Minister referred to my being in and out of the Chamber during the debate. Did he attend the House of Commons to hear The Queen's Speech? Did he and his colleagues vote for the amendment? Was he there for that debate? If he was, I want to know why he did not make those arguments then.

The Minister of Finance and Personnel: First, let me deal with the point about resisting the Tory cuts. In that context, the Member asked why we would not take responsibility for affairs here in Northern Ireland. That is exactly the point that I was making. Some said that we should resist the cuts and not set a Budget, but I took the view that we had a responsibility, whether we liked it or not, to live within the Budget set for us. One of the people who took action and refused to take responsibility was the Member's Health Minister. He said that he would not accept the cuts. Indeed, he doffed the cloth cap, got out of the ministerial car and joined the protestors outside the City Hall. That was the irresponsible act, and that is the context in which the comments to which the Member referred were made.

6.00 pm

Mr P Robinson: I am grateful to my colleague for giving way. It is clear that the Member for Lagan Valley cannot distinguish between responsibility for cuts and a party that recognises that the cuts had been made and is seeking, responsibly, to get additional revenue to reduce the impact of those cuts. His party is

responsible for the cuts; it advocated them and holds the franchise for them in Northern Ireland. It must take responsibility for the cuts that it has heaped on the people of Northern Ireland. We have to mitigate the effect of the cuts by adding, at the moment, over £800 million and by looking at how we might add more to the revenue of Northern Ireland to reduce the pain that the Ulster Unionist Party has brought on the community.

The Minister of Finance and Personnel: The First Minister brings me to the second part of the point that I want to make: not only did we accept that we had to work with this Budget because it had been handed down to us but we looked at what we could do, honestly, to make it different.

That brings me to my second point in response to the Member's speech. He seems to have found a new word: rhetoric. He says that all we hear from the Finance Minister is rhetoric, or the Budget Bill is long on rhetoric. Let us listen to the rhetoric in the Member's speech. He talked about the need to be financially responsible. He then said that health should be a priority and that it needed more money and resources. I suppose that he cannot be blamed for defending the budget of the Health Minister, who happens to be one of his party's Ministers. He then said that he wanted to be responsible and to address the issue of where the money should come from. At this point, I must disagree with the honourable Member for Strangford, who is not here but thanked him for his responsible comments.

I listed everything that the Member said, because I was waiting in anticipation. He avoided the issue of where the money should come from during the previous debate on the subject. Indeed, either he did not take an intervention, or, if he did, he gave a bland answer. I thought that he had had time to think about the matter since then and was waiting to hear what he had to say. I have written down the seven things that he said: "We have to make savings"; "We must stop the silo mentality"; "We need a discussion on the way forward"; "We need a responsible attitude"; "We are spending more than we can afford"; "Tough decisions are needed" — Hansard will confirm all this; and "We need to argue our case". I do not know how much all those things are worth. I do not know how much they will add to the health budget. However, if that is the Ulster

Unionist Party being financially responsible and wanting to look at where the money might come from and is the sum total of their ideas — I summarised the points — it took the Member 12 minutes to say all that. There is not £12 in it.

I am happy to give way to the Member again in case he missed an opportunity and would like to avail himself of it. I am still waiting for that financial responsibility to be shown in the Assembly. The Member wants more money for the Health Service. Aside from all the rhetoric — I hesitate to use that word, but I will — I am still waiting.

Mr B McCrea: I am grateful to the Minister for giving way, and I will try to avoid the use of the word "rhetoric".

It is sometimes worth putting a different point of view, and just because someone does so does not mean that that person is wrong. I want to ask the Minister a question. *[Interruption.]* Excuse me, Minister. Let me make the point in the most constructive way that I can.

I asked the Minister a question because he has been quite critical of my party and its position on a number of things. I asked the Minister why he did not vote with his colleagues in the House of Commons on 8 June. An amendment moved by Mr Alistair Darling was critical of the Programme for Government and other issues. Minister, you were not there. You chastise me about various issues, yet what is sauce for the goose is sauce for the gander.

I have talked about some of the issues that we might make a priority in this Programme for Government, and I have said what the party's position is. I can do no more than that. I am happy to engage in real discussions about where we might make savings. There is a fundamental point that the Minister might make a charge at. I do not understand it, and it is one that I have made to the Minister before. If there are Barnett consequential that come down to health, why is the Health Service here losing ground against England and Wales? It is in Hansard that the Minister conceded that the health spend in England and Wales is increasing and the differential is increasing.

Furthermore, I cannot understand why the other big spending Departments seem to be under pressure. There was mention of the Department for Employment and Learning being under pressure, and the parties opposite mentioned

that the Department of Education had been subject to the most savage cuts of all. If all the big spending Departments are losing money — 70% of the Budget is losing money — where is the effect on the Barnett consequential? I cannot understand that, Minister. Those issues need to be properly investigated, and this Chamber is the right place to go about doing that.

I will finish on this point, as the Minister has been very generous. I am sorry if, by asking a question, I have pulled down the Minister's ire on me. However, as an elected representative and a Member of this legislative Assembly, I believe that this is the right place to ask questions and that I have every right to do so.

Mr Deputy Speaker: I again remind Members that interventions should be short. That certainly was not. I ask the Minister maybe not to get involved in toing and froing with other Members so that we can have fewer interventions and make some progress.

The Minister of Finance and Personnel: What we got was a long-winded answer that shows either that the Member has not got a clue where the money would come from or, indeed, that, if he does have a clue, he is not prepared to say. Why? Because he might have to say something that is politically unpopular. I suspected that that was what we would get anyway. The intervention from the Member illustrates the fact that the Ulster Unionist Party is happy to have supported the Government who gave us the Budget that we have to work with and that it is not prepared to take —

Mr B McCrea: So did you.

The Minister of Finance and Personnel: I will come to that point in a moment or two.

The Ulster Unionist Party is not prepared to take responsibility for that, and it is not prepared in any way to identify where the money will come from when it asks for more money to be spent on one part of the Budget. Indeed, it is not just the Health Department that its members want to know about. They want to know why we are not getting more money for education or for the Department for Employment and Learning. I thought that the SDLP was bad last week, but the problem seems to be contagious. It is moving across the Benches; the Ulster Unionist Party now has the same problem.

Mr McCrea made a couple of other points.

Mr P Robinson: The Member for Lagan Valley mentioned the Health Department and DEL, but are those not the two Departments that get the very best deal out of the Budget? Is it not a fact that the Health Department not only gets a better deal than any other Department in Northern Ireland but that, when the Budget is passed in the Assembly, it will have a better deal than in any other part of the United Kingdom, too?

Mr McCallister: Thanks to the Conservatives.

Mr P Robinson: Thanks to Sammy Wilson.

The Minister of Finance and Personnel: This is where things get bizarre. On the one hand, Mr McCrea says that they got a bad deal. On the other hand, his colleague says that they got a good deal, but it is thanks to the Conservatives. At least get your story straight before you start making criticisms.

I will inform the Member, and the same goes for the leader of the SDLP. She raised this point the last time as well, then swanned out of the Chamber and was not here to listen to the answer, so she repeated the mistake that, somehow, the Budget was a carve-up. Indeed, she went further and said, as the new defender of the poor Ulster Unionist Party, which is so set upon in this Assembly, that this was done so that tough spending decisions would have to be made by the Ulster Unionist Party in the run-up to an election. Therefore, the DUP and Sinn Féin, like thieves on the road to Jericho, have set upon a poor wanderer, and the good Samaritan has now come to the rescue.

The facts are totally different. The biggest increase in any budget is in that of the Health Department, at 7.5%. The second biggest increase is in the budget of the Department of Enterprise, Trade and Investment, at 3.1%. The third biggest increase is in the budget of the Department for Employment and Learning, at 1.86%.

Mrs D Kelly: Will the Minister give way?

The Minister of Finance and Personnel: Let me finish. The fourth biggest increase is in the budget of the Department for Social Development. All the rest of them have a negative cash figure over the four years. Of the top four Departments to benefit, three have Ministers from the Ulster Unionist Party or the SDLP. If that is a Sinn Féin/DUP carve-up, we

are not very good at carving up, are we? The nonsense is peddled, time and again, that somehow we are punishing the minor parties.

Mr McDevitt: Will the Minister give way?

The Minister of Finance and Personnel: Hold on.

Mr Deputy Speaker: Order. The Minister clearly does not want to give way. We need less conversation from a sedentary position. The Minister has the Floor, and I ask Members to respect that.

The Minister of Finance and Personnel: It is claimed that we are punishing the minor parties in order to embarrass them politically before an election. Well, the figures do not say that. Indeed, if anything, the party that should be complaining most is probably the party opposite, because it holds some of the Departments that have taken the biggest hits. That is an illustration —

Mr O'Dowd: Will the Minister give way?

The Minister of Finance and Personnel: I am fearful. I should not have said that, because I know what he is going to do: he is going to ask for more money now.

That illustrates that we have, first, looked at the Executive's priorities and, secondly, decided how to allocate the money on the basis of those priorities. That is how we allocated the Budget, not on the basis of who is the Minister for those Departments or how we could embarrass a Minister. The shallowness of that argument can be seen in the fact that we do not have a clue who the Ministers will be after the election. They could come from any party. Decisions had to be made on a strategic basis, not on a party political basis. That is how the decisions were made, and the figures reflect the priorities of the growth of the economy and of health spending. Health, as the First Minister has pointed out, will be more generously treated in Northern Ireland next year than in any other part of the United Kingdom. That includes England, as we have not imposed the £20 billion or 5% a year efficiency savings that have been imposed on the Health Service there. I give way to the Member now.

Mr O'Dowd: On allocations and the draft Budget process, the Minister referred to parties having a right to complain. Does the Minister agree that the place to bring proposals is the Budget review group? The place to bring proposals is to the Executive and to other Ministers. Ministers

should sit down and have a constructive conversation with Executive colleagues, rather than what we have seen in this Chamber in the past fortnight.

The Minister of Finance and Personnel: That is exactly where the discussions should take place. The Member is right: the Budget review group was set up for precisely that reason. Indeed, it has been in operation not since after the draft Budget was produced but long before it was ever decided on. It has been operating since the summer of last year, because we wanted to get the parties' collective views on where revenue might be raised, what might be done to raise revenue and how money might be allocated. The idea that secret meetings took place involving only the DUP and Sinn Féin and from which the other parties were somehow excluded is such nonsense. The Budget review group met regularly and ideas were discussed.

6.15 pm

That said, I am straining to think what ideas came from the party to my right during those discussions. I hope that I am not doing its representative on the group violence, but I cannot think of any ideas that came from the UUP. When I look at the rather flimsy document that the party belatedly published, 'UUP Interim Response to the Northern Ireland Executive's Draft Budget Proposal', I see not one idea in it. One suggestion was made, which perhaps shows that its representative on the Budget review group was not passing on too much information. A request was made for discussions to take place between the First Minister and the deputy First Minister and the party leader, Tom Elliott, on the work of the group. Therefore, there may not even have been any great communication between the party's representative on the group and his party leader.

I also notice that the UUP promised that it would start its detailed analysis of each Department's budget proposals and respond in due course. I think that we are still waiting for that response, yet we hope to finalise the Budget this week. That is the level of input —

Mr B McCrea: Will the Minister give way?

The Minister of Finance and Personnel: No. That is the level of input that we have had. Parties cannot complain that there was not a process that involved them — there was — or that they did not have an opportunity

to give opinions — they did. If a party comes up with a four-page document on the eve of the publication of the draft Budget and then promises to give further information but that has not yet been received, it shows just how seriously we can take that party's input.

I said that I would give way to the lady, and I will.

Mrs D Kelly: I thank the Minister for giving way. My point concerns the DEL budget. Does the Minister concur that many of the costs in the DEL budget are actually inescapable pressures? There is also growing concern at the fact that the number of unemployed people is rising, at a time when increased demand is being placed on DEL's services to provide retraining and develop employability skills. In this Budget, DEL was to receive and did receive in some respects a light touch, but, nonetheless, many aspects of the DEL budget contain statutory obligations to fund. Parts of the budget fall outside of a light touch being applied. I refer in particular to tuition fees, which, I think, the Minister voted against at Westminster. Tuition fees are of grave concern to many families right across the North and especially to the many young people who aspire to go to university. In that context, DEL did not get a light touch.

The Minister of Finance and Personnel: I have just given the figures. The light touch is, of course, relative to what happened with other Departments, and I think that I have shown how that is the case. In the context of the £4 billion reductions that we are to have over the next four years, the Department for Employment and Learning was treated third most generously of all Departments. Incidentally, the Minister for Employment and Learning's main complaint has not been about the areas that the Member mentioned. I note, however, that some of the efficiency savings that are to be made in the DEL budget, especially in administration, are not to come at the beginning of the four-year period but towards the end. There are elements, therefore, in the departmental budget that the Minister can probably do something about.

I will move on, because the debate was not dominated by Mr Basil McCrea's comments. As I pointed out, he talked about his opposition to the Budget and to the Budget Bill, even though he did not understand what was in the Bill. We are still waiting — I suppose that we will be waiting for a long time — to see where the finance will come from to address the pressure

on health, if there is one. We are certainly not getting any ideas on that from him.

I now move on to Mr O'Loan's comments, and I am glad that he is here. He has assumed the role of Mogadon man in the Assembly. He went through an awful lot of documentation on the Budget, and he must have quoted every commentator in Northern Ireland. However, I really did appreciate something in his contribution this time: he did not give us any views from his party document. Maybe it was so comprehensively rubbished the other night that he did not have the gall to bring it up. However, his party leader did not learn that lesson and made some points from the document, which will probably force me to come back to it. I really do not want to do that, because I get nightmares from looking at it. I will come back to it at some stage.

Mr O'Loan made some interesting points about the Budget, especially when he got into the morass of endorsing some of the views expressed by some of the parties and groups that responded to the Budget. He talked about the lack of revenue raising and said that the CBI and the IOD had condemned us for our lack of revenue raising. In endorsing their comments on the Budget, I presume that he is also endorsing their comments on revenue raising. Why else would he mention their comments?

Let us see what the CBI and the IOD said about revenue raising. The CBI called for an increase in domestic rates. So, now the SDLP is the party of getting deeper into the pockets — *[Interruption.]*

Mr McDevitt: Will the Minister give way?

The Minister of Finance and Personnel: I will in a wee minute or two.

Here is the interesting point. He then went on to talk about how the Budget and the current economic recession were hitting ordinary families. Yet, he endorses raising more money by increasing the domestic rate. Who will pay that increase other than ordinary families?

The Member goes further than that, because he supports the IOD's call for revenue raising. I see that he is shaking his head. If what I am saying is wrong, why on earth, in support of his arguments why he thinks the Budget is rubbish, would he quote the IOD and CBI, and why would he point out specifically that they

had condemned the Executive for not raising sufficient revenue, if he did not support the means by which they intend to raise revenue?

The CBI wants domestic rates to go up, and the IOD wants domestic water charging, so now the SDLP is the party of higher domestic rates and water charges.

Mr McLaughlin: Will the record of the debate today not demonstrate that Mr O'Loan said that those organisations agreed with his party?

The Minister of Finance and Personnel: They did. As I pointed out in the last debate on the Budget Bill, some SDLP Members were condemning the rise in the regional rate because of the impact that it was having on small business, even though the policy was part of their party's own document.

I will give way. If I have accused the honourable Member in the wrong, I wish to hear his explanation. However, I hope that it is a bit less convoluted than some of the answers that we have heard from him.

Mr O'Loan: I thank the Minister for giving way, and my point is a simple one. As the Minister said, I quoted the remarks that were made by a number of commentators and organisations in support of revenue raising in particular. The SDLP supports revenue raising according to its own method of doing so.

The Minister of Finance and Personnel: We will come to some of those ideas for revenue raising in a moment or two. When someone says that the draft Budget is flawed —

Mr Bell: She needs Conall.

The Minister of Finance and Personnel: I would not go to Conall for too much advice. I would not rely on some of the advice that he gave Ms Ritchie last week.

If the Member quotes organisations and, on the basis of that, says that those organisations, through their comments, demonstrate that the draft Budget is flawed as a result of its revenue-raising provisions, any reasonable person would conclude that the Member has sympathy with the points that those organisations made on revenue raising.

Mr McDevitt: Will the Minister give way?

The Minister of Finance and Personnel: I will give way in a moment or two. Let me just finish

this point. A list of organisations — the CEF, the CBI, the IOD, NICVA, PricewaterhouseCoopers and many others — contributed to the consultation on the draft Budget. However, we must be careful. The consultation period gave many bodies the opportunity to make points about the draft Budget. Let us face it, those groups have specific interests that are sometimes partisan but are certainly sectoral. One can never do enough for groups, and all those groups made criticisms in the light of the interests of their own industry or the people whom they represent. However, to try to paint the views of those sectoral interests as a picture of the draft Budget being inadequate is shallow at the very least. Indeed, it is far worse than that: it is being selective in order to play politics with a process that Members have already made up their mind to oppose.

Mr O'Loan: Will the Minister give way?

The Minister of Finance and Personnel: I do not know from which of the two Members to take an intervention.

Mr O'Loan: I thank the Minister for giving way. Does he dismiss the Economic Advisory Group, which the Minister of Enterprise, Trade and Investment formed, as a mere sectoral interest group?

The Minister of Finance and Personnel: Any economic advisory group would approach the draft Budget in that way. The Department of Enterprise, Trade and Investment also has an interest in the draft Budget, and, if the Member had heard the conversations that I have had with the Minister of Enterprise, Trade and Investment on the draft Budget, he would know that she fights for her budget and her interests. The job that I, as the Minister of Finance and Personnel, and the Executive — at least the Ministers who want to take a responsible attitude — have is to listen to all the interests and then try to get some balance from them.

There is not a Minister around the Executive table — at least among those who are prepared to take their job seriously — who was not required to make compromises with their budget. There are things in the draft Budget that I do not like and that I am on record as opposing in the past. However, that is the process of coalition, and those are the compromises that must be made when dealing with difficult issues. Members can get infantile about it and say that they did not like or support

something and then stomp away claiming to have been excluded. I am afraid that is the attitude that some of the parties have taken, while others have admitted that they do not like parts of the draft Budget and that there are parts that they will find it difficult to live with. However, that is the outcome of any type of negotiation among parties that come at these things from a different point of view and among Ministers, who, quite rightly, fight their own corner. Indeed, one would expect them to do so, for they would not be very good Ministers if they did not.

6.30 pm

Mr McDevitt: I appreciate the Minister's giving way eventually. I know that he had an issue with the Civic Forum when it was in place and that he saw it as a waste of public resources. *[Interruption.]* That response says everything about the commitment of the Minister's party to proper stakeholder government. It says everything about the commitment of the Minister's party to an inclusive, collaborative, proper conversation about the best way forward for this region.

The reason why this House is divided is not because people are trying to do their job as Ministers; it is because civic society is in discord with the Minister on his analysis. If the Minister had any sense, he would revise his Budget and listen to those people in civic society who are putting their head above the parapet for the first time in 40 years to say that it is not good enough, and he would come back to the House with something that he could be proud of, not something that he is privately embarrassed about, and he knows it himself.

The Minister of Finance and Personnel:

My opposition to the Civic Forum has been consistent, and it is still there. I believe that the proper place to make the decisions about allocating budgets and having accountability for those allocations is among the people who are elected to the House. That is the way that it should be. Indeed, I noticed that the SDLP's document on the economic recovery talks about doing away with a lot of those bodies and reducing the cost of government. I would have thought that that was a prime target for reducing the cost of government.

Mr P Robinson: I honestly regard the comments from the Member who just intervened as being unworthy of response. The Member seems to

be an expert on every subject that he raises. If he knew anything about what had been going on during the past four years, he would know that we created a cross-sector advisory forum that gives us the grass-roots views on those matters, and it did not cost the Assembly any money to have it, unlike the previous Civic Forum. Does he not recognise that, yes, we did have a business group that gave advice, and its advice was to increase funding for DEL, the Department of Education, DETI and DRD. It wanted an increase in the budget of those four Departments. Other people want an increase in the budget of the Health Department, and others want an increase in the DCAL budget because they want more money for the arts. Some people think that more money is needed for water, and so that budget should be increased as well.

However, nobody is telling us, although they have been asked to tell us on a number of occasions, where those moneys will come from and which Department will have its money reduced. It ill becomes the SDLP to say that there should be more money for libraries so that libraries can stay open, when its amendment called for a reduction in DCAL's budget.

Mr McDevitt: Will the Minister give way?

The Minister of Finance and Personnel: Let me make one last point, and I will be happy to let him come in.

Mr McLaughlin: He has got 90 minutes of interventions.

The Minister of Finance and Personnel: Yes, at least I prefer interventions from the Member than speeches. I am quite happy to let him intervene in a moment or two.

I have one last point, as it illustrates the political opposition that this represents from the SDLP I notice the criticisms. First, the SDLP brings on its side people who have criticised the Budget, and then when some of the criticisms and some of the stands that it has made are immediately pointed out, the SDLP distances itself from that and says that it did not actually mean that bit, it meant another bit.

Secondly — I really did find this amazing — week after week at Question Time, I suppose because the SDLP thought at that stage that the allegation was that Sinn Féin was dragging its heels on the Budget so it made good fun to have a wee pot at Sinn Féin, the SDLP Members

opposite talked about how scandalous and how terrible it would be if the Assembly did not agree a Budget. They talked about how the public would be dismayed and take the view that the Assembly was useless.

Yet what did Mr O'Loan say? He said it was "presumptuous" to write a four-year Budget, because we are committing the next mandate to a budgetary plan.

Mr McDavitt: Will the Member give way?

The Minister of Finance and Personnel: Let me just repeat what he said. I wrote it down because I could not believe it. He said that, if it is presumptuous to have a Programme for Government agreed, then it is also presumptuous to have a Budget. So we should operate in some kind of financial vacuum until after June. That is what the Member seems to suggest. It is only when you get to this —

Mr McDavitt: Will the Member give way?

The Minister of Finance and Personnel: In a moment.

It is only when you hear the kind of arguments that have been employed that you begin to realise that the real opposition to this Budget is not about its content, what the process has been or the extra money that we have added in; it is all about the SDLP positioning itself for the election. I can tell you, and this does not apply just to the SDLP but to the Ulster Unionists, that any party that thinks it will get off with that is taking the electorate for fools.

People realise that, just as you need a budget for your house and business, you need it for your country. Just as a budget for the house and the business requires choices to be made, so it also requires choices to be made for the country as a whole. This kind of nonsense: yes, we need a four-year Budget; no, it is presumptuous to have a four-year Budget; yes, we need to have revenue-raising; no, we cannot have revenue raising in that form or that or that, but they do not tell us exactly in what form it is — will be seen as playing games.

Mr McDavitt: I thank the Minister for letting me back in.

I want to pick on one of the points that the First Minister made, and I appreciate that he has come in to be wingman for the night. The cross-sector advisory forum is made up of the people

who, through their representative organisations, are criticising this Budget. The First Minister can choose to ignore that reality or accept it.

Here is the fact: we have a bad Budget Bill in front of us, but all is not lost. We have, by my count, about 10 days before the Finance Minister needs to return to the House with the final Budget statement for the next four years. The question is whether he is listening, not just to the criticism inside this House but to the criticism outside it. Will he make a commitment to stop the argy-bargy and the tittle-tattle and to stop bringing his wingman in for a bit of defence on the side, and make a commitment to come back with a Budget that we can all rally behind? That is what we on these Benches want to see and that is what I am asking the Minister to commit to, right now, right here.

The Minister of Finance and Personnel: I am amazed. Will I stop the argy-bargy? The argy-bargy started two or three hours ago in this debate, and it certainly was not us. I was sitting here listening to it. I have tried to illustrate the kind of shallow arguments that were being employed.

As to the idea that no one was listened to in this, let me explain. It is not just me, as a Minister, who did this. Other Ministers have done this as well. This Budget process started last June. We listened to other parties. We went to Greenmount College of Agriculture, got the picture from the officials and heard the views of other parties. We set up a Budget review group. I can think of at least 20 groups that I met in the period until October. I know that the First Minister and deputy First Minister received representations from a wide range of groups. Most other Ministers got them. Those Committees whose Ministers gave them some of their draft spending plans based on 5% cuts in their budgets also brought evidence in and listened to it and did reports on all of that. It is nonsense that we have not listened or did not engage with the public.

The Member needs to get real about this. We have done that, and we will continue to do that. That is what the consultation period was about. It is one thing to say that we will listen to what the various stakeholders say, but as I pointed out to the Member, we have to recognise that all those stakeholders come with a particular point of view. At the end of the day, we cannot meet all their demands; it would be impossible.

We have to take a balanced view, and that is a decision that cannot be taken by some amorphous civic group. It must be taken by the Executive and then by the Assembly. There is no running away or hiding from that, and a decision has to be made, all the information having been fed in.

The Member is nodding in agreement. All that information has to be taken into consideration, but at the end of the day, we work within the limits of the money that we have got and the extra money that we have found. Then we allocate on the basis, first, of the priorities that we have set, and, secondly, the information that is given to us by all the people who have been consulted. Only then can we take a reasoned vote on those allocations in the Assembly.

I do not wish to be insulting, but Mr Farry's comments were in total contrast to those of Mr O'Loan, whose speech was all about negativity and criticism. It did not contain any positive ideas or any discussion about the tensions and the realism that we have to address when we are looking at the Budget. Mr Farry is not in his seat, but it deserves to be said that he was, at least, honest about the choices that had to be made. He pointed out, for example, that there is a tension in the Budget. If we spend more money on one thing, we cannot spend it on another.

Some of the very people whom Mr O'Loan has enlisted in his support for his criticism of the Budget have recognised that tension. If we spend more on health, and we are, there is a tension there. If we give health a bigger priority, we cannot have two first priorities, and the economy becomes the second priority. If we give the economy first priority, then health has to become the second priority. Members have to recognise that.

There are times when Basil McCrea wears his hat as the spokesman for local industry and manufacturing. At least Mr Farry was honest and realistic when he said that, in making health a priority, we would have to accept that something else will become the second priority. That was a useful touch of realism in the debate.

Mr B McCrea: I accept the point that the Minister makes. It is logical. In the past, I have argued for manufacturing and trade, and I agree with that. I will not go on, but the point that I was trying to make was that — *[Interruption.]*

We are trying to have a sensible debate. There is a debate to be had. The legitimate position that my party is putting forward is that it believes that health is the priority. We will try to argue that case, but we realise that there are consequences — *[Interruption.]*

I will let the Minister back in.

The Minister of Finance and Personnel: Maybe we are getting somewhere now. I have heard the Member do this before in the Chamber. He has now decided that health is such a priority that he is not going to wear his hat as the spokesman for manufacturing and industry and say that those should have first priority. If that is what he is saying, at least we are now getting somewhere. We may not know where he would take the money away from industry and job promotion and everything else. Of course, that will have an impact on the growth of the economy. However, if that is what he is saying, at least we are making some progress. Maybe the next step is to ask him which programmes he would cut in his second or third priority in order to give more money to health. Maybe, if the Member is going to give us some information on that, the debate will have been worthwhile.

6.45 pm

Mr B McCrea: I am grateful to the Minister for giving way. I was agreeing with the logic of the statement that not everything can be a number one priority. If he is asking me from where I would raise money or capital, there are other ways to raise capital and other things that can be investigated. However, it is not my position to do that. *[Interruption.]*

Mr Deputy Speaker: Order.

Mr B McCrea: The Minister made it clear that there is a forum in which to do all that, namely the Budget review group. If I were in a position to do it, I would have plenty of observations about where we might change the priorities. What I am making clear is that our party has come forward and said that it believes that health is the priority. That is the argument that we are trying to make, and it is entirely logical.

The Minister of Finance and Personnel: I note that the Member said that he has lots of ideas about how to raise revenue. I will not ask for lots, but, to help us and to inform the process, maybe he will give us one.

Mr B McCrea: I have to question —
[*Interruption.*]

Mr Deputy Speaker: Order. We cannot have a conversation between the Member who is intervening and another Member who is in a sedentary position. The Minister should take an intervention and reply. We cannot have a two-way process all the time.

Mr B McCrea: I have to question the effectiveness of our Invest Northern Ireland operation. That is one area that I would look at. There are other capital raising — [*Interruption.*]

The Deputy Speaker has just talked about letting people speak from the Floor, which I am attempting to do. Members can come back in afterwards.

A challenge was put down. I made the argument about industrial de-rating — no one actually got on board with that until I made the case — because it would end up costing us money because of a flight of capital. I can make a sensible and reasonable argument on the issue. However, all that I can do here and now, as part of the debate, is say that the Ulster Unionist Party considered the matter and believes that health is the priority. That is the argument that we are putting forward. I understand absolutely that other things will have to change. It is democracy for people to argue their points of view about what should come forward and where they would prioritise.

The Minister of Finance and Personnel: It is not revenue raising; it is cutting spending. I am interested in the fact that the Member identifies Invest Northern Ireland. Maybe that comes back to a lack of communication in the Ulster Unionist Party. I read the Ulster Unionist Party's interim response to the Northern Ireland Executive's draft Budget proposal. The UUP said that the protection of jobs and the creation of new jobs must be a Budget priority. On the one hand, the UUP says that that must be a Budget priority. However, off the top of his head — maybe he should try again — the Member says that one idea is to cut the Invest NI budget. Maybe he will tell me: how is that done?

Mr B McCrea: The Minister has taken a particular sentence and extrapolated it into something that it does not mean.

I find it interesting when, for example, I hear people talking about corporation tax who

have never paid it. I hear all the great pearls of wisdom, but I see none of them. When I look at how jobs might be saved and created, at how the Budget should be spent and at whether to maintain or invest, I look to how we could generate cheaper electricity. I would make significant investment in marine and tidal infrastructure.

There is a whole range of issues that you could take forward if you had vision and the courage of your convictions. You challenged me to come up with an idea: instead of laughing you should be listening, because there is a wealth of experience in here that you are not taking on board.

Mr Deputy Speaker: Order. Members should make all remarks through the Chair and should not point fingers. I ask Members generally: where this is taking us? [*Laughter.*] We have had tedious repetition all evening. It may be good entertainment for the Members watching, but we have to make some progress.

The Minister of Finance and Personnel: I think that Mr McCrea works on the basis that when his argument is weak he shouts louder.

Mr P Robinson: Will the Member give way?

The Minister of Finance and Personnel: I will just finish this point. The Member said that I took one sentence or part of a sentence. However, the paragraph that I read out from the Ulster Unionist document — and Members should read it — stretches for a third of a page. I could have read out the rest of it, but I did not need to do so as there was a whole paragraph stating that the Budget does not deliver the existing expectancy for job protection; that there is a need to create 10,000 additional new jobs; that there is no new detailed plan to protect jobs; and that DETI's budget is £18 million short, and it goes on and on. That is not an isolated quote; it is practically most of the document.

The Member says that that is where he would make savings. I do not know whether he understands the difference between revenue and spending, and savings and spending. I thought that I was getting an answer to my question about from where the revenue would be raised, but instead he talks of spending money on marine technology and on a whole pile of other things that I cannot remember now. I suppose that this can become laughable at times, but it is serious.

His party has criticised the Budget. It says that wants more money for the health budget and that it has now decided to change its priority from creating and growing the economy to spending money on health services. It has told me that it has lots of ideas for making savings, but the only idea that I heard contradicts what is in its document. That is how far we have gone in this debate and how inadequate that party has been in taking part in it constructively.

Mr P Robinson: We now have the no doubt considered position of the Ulster Unionist Party. It has moved away from the Assembly and Executive's position, which we all agreed in the Programme for Government should be that the economy should be the main priority, to wanting to make health the main priority and to cut the Invest Northern Ireland budget and, therefore, our ability to create jobs. The Ulster Unionist Party is looking for £200 million for the health budget. How much of that does it intend to take out of Invest Northern Ireland's budget?

Mr B McCrea: I am quite happy to engage, but the Deputy Speaker has given out.

Mr Deputy Speaker: The Minister has the Floor again.

The Minister of Finance and Personnel: Usually Mr McCrea is very keen to engage and to jump to his feet before I have even had a chance to jump to mine. However, I think that his reticence is indicative.

Mr B McCrea: On a point of order, Mr Deputy Speaker. I just want to make it clear that I am responding to your direction and that I do not lack the willingness to engage in the debate.

The Minister of Finance and Personnel: If what we had going back and forth for the past 10 minutes was engaging in debate, it was very poor debate.

Mr Robinson makes an important point. According to the Health Minister, the hole in the health budget is actually about twice the size of Invest Northern Ireland's budget. So, the Ulster Unionist Party's idea for getting money for the health budget is to take it from Invest Northern Ireland. If it is actually proposing to just shave a bit of money off Invest Northern Ireland's budget, that does not comply with what is set out as a priority in its document and would not make much of a difference, so we would have to start looking at other people's budgets as well.

I suppose that that is why we have not had that level of engagement.

I come back to the Ulster Unionist Party and SDLP's reaction to this Budget: it is very easy to for them to pick holes and to say that they would do things differently. However, if there is silence or inconsistency when it comes to putting your hand up and stating what you would do differently, the only conclusion that we can draw is that that opposition is not based on a real belief that we got it wrong but on short-term party political interests.

The SDLP wants to be part of the Executive but, come the election, its members will go out into the country and say that the Budget was nothing to do with them and that they had no part in it. Minority parties have that luxury, but the public will not accept that that is a responsible way to behave. SDLP Members can embarrass themselves in here, but let us not pretend that they are acting responsibly. Mr McCrea started his speech by saying that he wanted to act responsibly and wanted to be part of the process. He has been given a chance to be part of the process, and this is what we get.

Mr Farry started all this; I was only quoting him. I want to come to another point that Mr Farry raised. He talked about —

Mr Callaghan: I am sure that the Minister would agree that one of the duties of a Finance Minister is to secure value for money across the Budget. The public, by the way, can make up their own minds as to who is electioneering in the Chamber this evening. Will the Minister inform the House whether the Minister of Health, Social Services and Public Safety brought forward proposals arising from the exploratory study on North/South health co-operation and potential savings on joint procurement? If not, given that 40% of all spending on this island in the two Administrations is in the health budget, has the Minister asked him for any potential costings for savings that could arise through greater joint procurement?

The Minister of Finance and Personnel: There has been discussion on that. The Health Minister has decided, and it is his document —

Mr P Robinson: It is on the Internet.

The Minister of Finance and Personnel: Apparently it is on the Internet. However, the

Health Minister has decided not to present that document to the Executive.

The Executive take seriously the responsibility for getting value for money, as do I. One reason that we allocated money for a radiotherapy unit at Altnagelvin, which the Member has discussed with me, was that we believed that value could be added by a contribution from the Irish Republic and by sharing that facility. To date, there is no indication that any detailed work has been done on how joint working could be established.

From a unionist perspective, where we believe that there is good value for money in co-operating with Departments in the Irish Republic, there is no Minister on this side of the House who would not do that for party-political reasons. However, no Minister on this side of the House believes that there was any need for a political structure to grow up around those issues. Where we believe that value for money, better efficiency and better use of resources can be obtained by co-operating with Departments in the Irish Republic, we will do that. I have no hesitation in saying that. Unfortunately, what sometimes makes that more difficult is the political posturing of the SDLP around the need for a political structure to be thrown up to support that. People then become suspicious as to whether that co-operation is genuinely about value for money — if it is, I have no difficulty with it — or about the pursuit of a long-term political goal.

Mr McDevitt: Will the Member give way?

The Minister of Finance and Personnel: I have given way to the Member quite a lot. I want to move on to the issue raised by Mr McLaughlin and Mr Farry. Mr McLaughlin made a very good point. Until now, the attitudes of some parties in the Executive and Assembly have, to a certain extent, been coloured by the fact that an election is imminent. However, the Budget is a four-year process; there is work to be done.

He pointed out the revenue that we have already identified and the work that still needs to be done to effect savings and revenue after this Budget is over and throughout the four-year period. I hope that he is right. Maybe, after the election is over, we will get the kind of co-operation that he talked about. We really need that so that we can put together all of the ideas that there may be and try to pursue the opportunities that are available so that we

release resources that will fill some of the gap. I do not think that that will happen between now and the election, but there are opportunities afterwards. It is the view of my party, and I know that it is the view of his, that we should keep in place the structures that enable parties to do that and to participate in that kind of arrangement.

7.00 pm

He also pointed out that one of the things that Ministers needed to do — he specifically mentioned the Health Minister — was to look at how they can get the best value out of the resources that are available to them. That work can be done internally in parties. The McKinsey report shows that, despite what is being said by the Ulster Unionist Party, there is within the grasp of the Health Minister the ability to make £60 million of savings in his budget every year for the next four years. Indeed, there are other things that McKinsey did not identify on top of that that could be done. That would relieve a lot of the pressure on the health budget.

Ms Ritchie —

Mr P Robinson: Will the Member give way?

The Minister of Finance and Personnel: Yes.

Mr P Robinson: I will put the McKinsey recommendation into terms that people will understand. Is it not the case that the equivalent of six to 10 nurses will lose their jobs every day because the Health Minister will not take the strategic decisions that McKinsey has directed?

The Minister of Finance and Personnel: That certainly puts into perspective the Health Minister's claim that 4,000 nurses will lose their jobs. Every day, he could avoid six of those redundancies if he were prepared to make decisions.

The leader of the SDLP thought that it was a requirement to do what it says in Standing Order 17(7), which refers to engaging in persistently irrelevant and tedious debate. I could not believe some of the stuff that we got from her. We got the usual — I will not use the word "rhetoric" — complaints; I have heard them all before. She said that the process and Budget were flawed. How often I have heard that before. She said that the Budget was not fit for purpose, that it had no underlying economic principles and that money was allocated to embarrass our opponents. I have gone through

a lot of those arguments, but I will come to the two elements of her speech that took up most of it. She started to talk about what should be in the Budget. It was the same kind of mentality that we heard from Mr McCrea. The SDLP will oppose student fees, which is a turnabout. I know that I made this point in the previous debate, but it is worth making again: that party held the Finance Ministry when Tony Blair was emptying pots of money into Northern Ireland, but it decided that it could not abolish student fees because it would have cost £35 million. However, it has had a turnaround, so it will oppose the carve-up.

The SDLP will also oppose any reduction in EMA. It wants more money to be spent on new housing, although I think that she had better tell the Minister for Social Development about that because he wants to reduce by 14.9% the amount that is spent on new housing.

She wants more capital investment in schools and in their maintenance, more money in the green new deal and more money in tourism. I like this item, because she thought that she had caught me out on it; she pointed out that we needed to reprioritise our capital spending to emphasise job-rich projects rather than, presumably, spending money on capital-intensive projects. I pointed out, really by way of observation, that her party was vociferous about spending on the biggest capital-intensive and land-intensive programme: the A5 project. Indeed, Mr Callaghan was vociferous about our having to keep on spending money on it. That may well be a good project, but it is not job-rich and it takes up 60% of the roads budget.

I then asked her which capital investment projects she would cut instead, and although I gave her the opportunity to come back to me on it, she did not do so. I thought that the SDLP document might enlighten me, and it did. It talks about switching from capital-intensive projects and capital projects that do not benefit the local economy. The SDLP identifies — and do not forget that this is all part of filling the £4 billion hole in the Budget — £250 million that can be saved by switching from capital projects that do not benefit the Northern Ireland economy. The SDLP is suggesting that we reduce the money spent on buying new trains. That is the only suggestion made in the document, and we are going to save £250 million on it.

Of course, the only problem is that not only have all of the new trains been ordered but most of them have arrived. They are being commissioned, and, as far as I know, there are no plans to buy any more new trains, so we have got —

Mr McDevitt: Will the Member give way?

The Minister of Finance and Personnel: I will in a wee minute, because I am interested in hearing from the Member.

The SDLP document says that we could save £250 million on trains, which would give us more money to spend on job-rich projects. Given that we do not have any new trains on order, and given that the SDLP leader would not give me any other suggestions, maybe Mr McDevitt, who writes her speeches and supplies her with information will give us some. *[Laughter.]*

Mr McDevitt: I thank the Minister. What I find ironic about his position, and I hope that he has told Mr Ross about this, is that he is arguing against the A5 and A8 programmes as though they would have no material economic benefit for our region. He is arguing against free money from the South five minutes after saying that he would do anything that makes sense for Northern Ireland, so long as it brings jobs here.

His point about trains further puzzles me. We have a big order for new trains, but because of the railway lines, they will run more slowly than the trains did during the Second World War. If the Minister wants to make some serious capital investment here, he can start by building us a new train line between Dublin and Belfast, and get some Southern money into it. Frankly, if he is serious about debating with the SDLP, he needs to drop the rhetoric, look at the substance and stop worrying about this lot over here on the Benches beside me, who are obsessed about anything that is not in public ownership and not stuck in the 1960s. We are up for the conversation: is he? *[Interruption.]*

Mr Deputy Speaker: Order.

The Minister of Finance and Personnel: I raised the subject of the A5 because it was a good example of an expensive capital project that is not job-intensive. I raised it in response to the Member for South Down's point that the SDLP wants money to be spent on job-rich investment projects. Yet 60% of the DRD budget, which it supports, will not be spent on

job-rich investment projects. I agree that there are benefits. Indeed, I spoke earlier about the benefits and importance to the west of the road from Dungannon to Ballygally.

Some Members: Ballygawley.

The Minister of Finance and Personnel:

Ballygawley or wherever it is. The party opposite actually raised the issue and said that those were not the kind of projects that it wished to support any longer. Since the SDLP put those figures into the Budget, it has to justify them. However, to be fair to the leader of the SDLP, after talking about spending all that money on all those things, at least she asked where the money would come from, although she quickly glossed over it by saying that we would find the answer in its document. Then she sat down.

[Laughter.]

Mr A Maskey: I thank the Minister for giving way. Does he agree that it was hugely ironic for the previous contributor, Mr McDevitt, to talk about doing the roadworks and getting money from the South given that, in the run-up to the general election in the Twenty-six Counties, both the likely coalition Government partners — Fine Gael and Labour — said that they want to cut the money for that particular roads infrastructure project?

[Interruption.]

The Minister of Finance and Personnel: That is even better; he wants to make sure that the money goes away.

Mr McDevitt: Will the Minister give way?

The Minister of Finance and Personnel: No. I think that the Member was justified.

She very quickly glossed over where the money should come from by saying, “Read our document.” I do not want to go through the document again, because we have looked at it in a lot of detail in the past. First, it proposes £690 million of extra borrowing, on top of the borrowing that we are already authorised to undertake. I know that Mr McDevitt said that all we have to do is ask the Treasury for permission to borrow more money and it will not take it off the block grant. That is the kind of fairyland that the SDLP appears to live in. Believe you me, the Treasury does not give up restrictions on borrowing that easily, and, given the fact that the current policy is all about deficit reduction, if Mr McDevitt thinks that we will get £690 million

extra borrowing ability from the Westminster Government, he is wrong; we have no chance.

Secondly, of course —

Mr Callaghan: Will the Member give way?

The Minister of Finance and Personnel: I will in a minute.

I find the second thing amazing, especially since we have had criticism. The SDLP suggests that we get £250 million from asset sales. I am already being condemned by the SDLP. One of its condemnations of the Budget is that we are relying far too much on asset sales. We put in only £100 million from the capital assets realisation task force (CART). The SDLP suggests putting in £250 million, yet it condemns us for it. Another one is that we will get £150 million from planning gain, even though its document says that we will not get any money in the short run, yet it has already included £20 million for next year from planning gain.

I know that we had a little spat about whether the SDLP is the party of privatisation, but we can prove that it is. Allotments, Housing Executive headquarters, car parks, NI Water, rates collection, the Forest Service and even the Speaker’s house would go. If I were one of you lot, I would not sit about too long, because you will get a price tag put on you and sold as well. The SDLP wants to privatise everything.

I listened to Mr McDevitt very carefully.

7.15 pm

Mr Bell: Why?

The Minister of Finance and Personnel: Yes, well. The SDLP says that it only wants to sell because it understands the economics of this. I get very suspicious when I hear Mr McDevitt say that. It only wants to sell going concerns. Those going concerns include £37 million for the City of Derry Airport. That is such a going concern that, in the last February monitoring round, we gave Londonderry council £8.6 million towards that airport because it could not wash its face. That is not the first time that we have done that. It is about the third time that it has had that subsidy, yet through the SDLP’s Budget proposal and the figures that we are meant to rely on and that we should include in our Budget, it will get £37 million. However, the SDLP is even selling somebody else’s airport on them. *[Laughter.]* However, do not worry, Ms Ritchie says that that

is how it will finance her wish list. I could go on, but I will not.

I want to use those few simple illustrations to show that, on the face of it — *[Interruption.]* The SDLP puts those proposals forward as though they are serious and are the way out of the Budget problems. I have heard it time and again, and there is a whole list of proposals, including spending proposals, all of which are equally suspect. However, according to SDLP that is the constructive way out of the Budget problems and avoids us having to make any of the painful decisions that it did not want us to make or that it does not want to put its hands up for. It is flawed and wrong and is an attempt to hold out hope to people when there really is no hope in any of this.

During the Budget process, we have made it clear that we will take ideas from other parties. However, other parties make such proposals and, immediately after our proposals are put out in public, they condemn them. Mr Callaghan did that on the subject of a rates increase. The SDLP document says that we should increase the regional rate, but he condemns the impact of that on small shopkeepers in Londonderry. It makes a proposal to freeze recruitment in the public sector to save jobs, yet Mrs Kelly stands up and says that that will not save jobs because it will stop new people getting job opportunities. You cannot have it both ways. You cannot put those proposals in the document and then condemn them just because it happens to be a useful way of rebutting a point.

Mrs D Kelly: I am quite shocked at the debate this afternoon on two fronts. First, I am shocked that Sinn Féin has become so house-trained by the DUP that it has little to say about implementing the Tory cuts. Secondly, although the knockabout between political parties can be entertaining for some, many people in the community that I represent are worried about how they will pay their rent this week and how their young people will get jobs. The Finance Minister and, indeed, the First Minister and deputy First Minister went back and forth to London to insist on the £18 billion package deal that they promised the people of the North for the devolution agreement. Where has all that hope gone? Where have all those promises gone?

The Minister of Finance and Personnel:
For the very reasons that the Member has

given, despite the fact that it has meant hard decisions for parties in the Executive, we have taken the decisions that we have taken. We wanted to give people certainty; that is why we have set down a four-year Budget.

We wanted to make sure that people had an opportunity to get jobs, and that is why we have given the priority that we have to DEL and DETI. We wanted to make sure that people in the public sector had the best opportunity to hold on to their jobs, and that is why we froze recruitment and froze wages over £21,000. All of that has saved hundreds of jobs. We have listened to what people have had to say. We have listened to people's concerns rather than playing politics, which we could have done. The responsibility on the two biggest parties at least is to make sure that a Budget goes through. The smaller parties can play politics.

I see that the Member from the Alliance Party Dr Farry has come into the Chamber. The one thing that I will say for the Alliance party is that it could have played the same game as the Ulster Unionist Party and the SDLP, and it did not. As a result — *[Interruption.]*

I see the Member making a gesture to say that is about money. That is the ultimate insult. Maybe it says more about the mindset of the SDLP. David Ford could have held on to his job and kept his car and his wage and still voted against the Budget, but he did not. He took responsibility, so do not for one minute suggest that it was done just because money and positions were involved. The real dishonesty is that those two parties have shown that they can hold on to their jobs and still act irresponsibly. That is the ultimate in misbehaviour by the SDLP and the Ulster Unionist Party.

Mr Deputy Speaker, I have probably gone on long enough. I thank Members for their contributions. This is the third debate, and it has been the same old debate. I suspect that we will get the same when it comes to debating the Budget itself. Mr O'Loan said that, despite all of his objections, he will still vote for the Bill. I do not like to think what he would say about something that he objected to. All that the Bill does is to authorise the spending for the past year and to give the power to spend money for the first four months of the new financial year until we have had the chance to debate the final Budget. Hopefully, that will be available very quickly and we can get some certainty injected into it.

Question put and agreed to.

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

Resolved (with cross-community support):

That the Budget Bill [NIA 11/10] do now pass.

Mr Deputy Speaker: I ask Members to take their ease for a few moments.

Committee Business

Assembly Members (Independent Financial Review and Standards) Bill: Final Stage

Mr Weir: I beg to move

That the Assembly Members (Independent Financial Review and Standards) Bill [NIA 3/10] do now pass.

I see that the Chamber seems to be emptying by the moment.

As I said during the Second Stage, the Bill is in two Parts. Part 1 establishes the independent financial review panel, and Part 2 establishes the Northern Ireland Assembly commissioner for standards. I will deal with Part 1, and the Chairperson of the Committee on Standards and Privileges, Mr Declan O’Loan, will deal with Part 2.

The independent financial review panel is being established as a result of the consensus view across the Chamber that a move to establish an independent body in line with other legislatures would be a positive step towards greater openness and transparency in this area. Part 1 will come into operation on the day on which Royal Assent is granted. The panel will consist of a chairperson and two other members, and it will have the power to determine all aspects of financial support in respect of Members of the Northern Ireland Assembly. It will be required to exercise its functions with a view to achieving a proper balance between the objective of ensuring probity, accountability and value for money with respect to the expenditure of public funds and the objective of securing an adequate level of remuneration for Members, which will allow them to discharge their functions effectively.

The general rule will be that a determination will be made by the panel only once in the lifetime of each Assembly. Further determinations may be made as necessary to take account of changes in the law and practice relating to pensions, or in exceptional circumstances.

One of the core principles underlying Part 1 is that the panel will be independent. For example, the Bill provides that the panel will not be subject to the direction or control of the

Northern Ireland Assembly when exercising its functions. Likewise, while the Assembly Commission will be responsible for the appointment of panel members, Members of the Northern Ireland Assembly will not be members of the appointment panel. In addition, in order to ensure that the panel is independent of Members, a broad range of connections to the Northern Ireland Assembly or to individual Members, as refined at the Consideration Stage of the Bill, will result in disqualification for eligibility from membership of the panel.

The Bill provides that the Assembly Commission must provide the panel, or ensure that the panel is provided, with such administrative support, including staff, services and accommodation, as the panel reasonably requires to discharge its functions. That provision has been made to ensure that the panel operates in the most cost-effective way possible. I look forward to the establishment of the panel and to the implementation of a wholly independent and transparent process for the determination of the future financial support requirements of Members.

I commend the Bill to the Assembly and look forward to hearing Members' contributions.

The Chairperson of the Committee on Standards and Privileges (Mr O'Loan):

The Committee is pleased that the Bill has reached its Final Stage. Part 2 provides for an independent Assembly commissioner for standards with significant powers. The Committee has given much consideration to the issue of how we can ensure that there is public confidence in the integrity of the Assembly. The creation of the statutory office of commissioner is an important step forward in making sure that Members of the Assembly are accountable for their conduct.

Prior to preparing the Bill, the Committee carried out an extensive inquiry into the issue of how Members should be accountable, and a number of options were considered. The Committee concluded that when there is a complaint that a Member has breached the Assembly's code of conduct, it is right that the complaint should be investigated by an independent commissioner. It is for the Committee on Standards and Privileges to determine whether a breach of the code of conduct has occurred, and for the Assembly to impose sanctions where fitting. That continues to be appropriate, reasonable and workable. However, it is necessary to create

a statutory independent commissioner with real powers to call for witnesses and papers in order to ensure that the facts on any complaint can be established in full.

Part 2 of the Bill therefore provides for the establishment of the Northern Ireland Assembly commissioner for standards. The commissioner will be able not just to investigate complaints, but to initiate investigations where it appears that a breach of the code of conduct may have occurred. That was a key recommendation of the Committee on Standards in Public Life, and I am pleased that the Bill gives effect to that.

The Bill provides for the commissioner's independence. The Assembly will be able to agree the general procedures that the commissioner should follow when deciding how and when to carry out investigations.

However, as far as any specific investigation is concerned, the Assembly will not be able to direct the commissioner in whether or how that investigation is carried out. Most importantly, the commissioner is free to reach and express any conclusions on the outcome of any investigation.

7.30 pm

The Bill provides that, when the commissioner carries out an investigation, the Assembly will always publish the commissioner's report. That provision puts transparency and openness at the heart of the Bill. The Bill also provides for the commissioner to have the power to call for witnesses and documents, and it creates offences for refusing to provide, or otherwise failing to give, evidence. Those provisions make sure that the commissioner will be able to get to the truth of the matter when carrying out investigations.

I take this opportunity to thank those who have been involved in the Bill's progress. Particular thanks are due to the Committee Clerk for his deep expertise and huge diligence. Creating a Bill that is sound and will not create problems in future through bad drafting is a very intensive and intricate process. I thank the other Committee staff who were involved and those who took the time to give evidence to the Committee. Their contributions were crucial in assisting the Committee develop its policy on the matter.

It is right that we should acknowledge the significance of this joint Assembly Commission and Committee Bill. Committees are more familiar with scrutinising Bills than with drafting their own. I believe that this Bill — or Part 2, at any rate — will be the first Bill emanating from a Committee and passed by the Assembly. It has, therefore, been a useful and educational experience to partake in the process from the other end. As I said, drafting legislation is a complex business. I thank my colleagues on the Committee on Standards and Privileges for their great efforts in preparing the Bill, as well as the Assembly Commission for the role that it played. I also thank the researchers, the Bill Office staff, the lawyers and the Office of the Legislative Counsel, all of whom toiled tirelessly in helping us to get the Bill right.

I pay tribute to the Ad Hoc Committee for the detailed scrutiny that it gave the Bill and for its helpful suggestions for amendments. I also place on record, again, the Assembly's gratitude to the Ombudsman for his continuing support as the Interim Assembly Commissioner for Standards.

Part 2 of the Bill provides a legislative framework that will strengthen the public's trust in the integrity of the Assembly. It has been agreed unanimously by the Committee on Standards and Privileges, and it signifies how seriously the Assembly takes the conduct of its Members. I welcome the Bill, and I commend it to the House.

Mr Weir: I thank the Member for his remarks. I was going to thank the Members, but only one spoke. I think that Members will be relieved to hear that I will not spend as long on my winding-up speech and dealing with Members' remarks as the Finance Minister did in the previous item of business. I see Basil McCrea poised to intervene at any moment.

I thank the Chairperson of the Committee on Standards and Privileges, Mr O'Loan, for his contribution. The lack of contributions reflects the fact that the House is united on the issue and that a broad consensus has developed. I am pleased that Members have confirmed their agreement to the establishment of an independent financial review panel, which will, when established, determine all issues relating to Members' pay, pensions and financial support.

I welcome the fact that this important Bill has reached its Final Stage. Once again, I take the opportunity to thank the Chairperson and

members of the Ad Hoc Committee that was established to consider the Bill and to thank the Committee on Standards and Privileges, fellow members of the Assembly Commission and Assembly secretariat staff for their contributions to the development of the Bill. Without further ado, I commend the Bill to the House.

Question put and agreed to.

Resolved:

That the Assembly Members (Independent Financial Review and Standards) Bill [NIA 3/10] do now pass.

Private Members' Business

International Development

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

Mr Wells: I beg to move

That this Assembly endorses the report from the all-party group on international development 'International Development Strategy for Northern Ireland'; and calls on the First Minister and deputy First Minister to incorporate its findings into an international relations strategy and to implement its recommendations.

As I rise to propose the motion, I would like to pay tribute to the driving force behind the all-party group on international development. There is absolutely no doubt that I would not be standing here this evening and the motion would never be debated were it not for the determination and perseverance of the former Member for South Belfast Mrs Carmel Hanna. I have to say that she is, in many respects, a stark contrast to the gentleman who replaced her. She was quiet, sensible, spoke succinctly, and was very easy to deal with. I am jesting.

Without her determination and tenacity, the all-party group would have folded long ago. She pioneered much of the progress that has been made, and kept things going during very difficult circumstances, particularly when the Assembly was prorogued, as it were. She has kept at it, and we have now made progress, albeit 12 years after the formation of the all-party group.

There is no doubt that Northern Ireland has a higher level of interest in international development than any other part of the United Kingdom. We have a long history of work throughout the world, particularly through faith-based charities and the Churches. Indeed, at any given time, there are several thousand people from the Province working in far-off parts of the world, dealing with essential healthcare, education and other important work.

I will give an example, which is a minor one, but in my opinion it explains the psyche of the Northern Ireland people. I am involved in

a charitable group that is responsible for the maintenance of an orphanage in Timisoara, in Romania. Three years ago we ran an appeal in Kent and in Northern Ireland, and I, as treasurer, had the privilege of receiving the donations. The part of Kent that we targeted was quite affluent, even by southern English standards. The cheques all came in and, as a little task, I checked the average donation from Northern Ireland and the average from Kent. The average donation from Kent was £31, and the average from Northern Ireland was £90.

That minor example indicates that we, as a Province, are extremely interested in overseas development and extremely generous when it comes to giving. Indeed, one could not help but notice the vast contribution of over £1 million that was made in Northern Ireland when the tsunami appeal was launched all those years ago, when individual churches raised £30,000, £35,000 or £40,000 in one service for that very deserving cause. We have that interest, but, until now, as a devolved Assembly we have not had what could be called the made in Northern Ireland or the Northern Ireland-branded product in relation to overseas development.

We were conscious of the fact that our colleagues in Scotland were very active in countries such as Malawi, and the Welsh Assembly was very active in countries such as Lesotho in southern Africa, yet there was nothing that this devolved region could point to as being its contribution to that very important work.

Of course, the main agency for the delivery of overseas development in the United Kingdom is the Department for International Development (DFID), and it is a reserved issue, which has not been devolved to the Northern Ireland Assembly. However, through looking at it very carefully, we have discovered that it is possible for the Executive and Assembly to make an immediate contribution to that work without infringing any of the legislation that surrounds overseas development. I am, therefore, glad that, as a result of funding that we received from NI-CO, we have been able to produce a research document and we seem to have found a way forward.

We are starting out on the very tentative steps towards creating an overseas development project branded from Northern Ireland. After a lot of discussion and consideration, the recommendation is that north-east Uganda is the first area that we in Northern Ireland will

become involved in. The statistics for Uganda are quite shocking. There are 31 million people, but the average life expectancy in that country is only 50 years, compared to an average of 78 years in the United Kingdom.

The average income in Uganda is 300 US dollars a year. The average income in the United States is \$38,200 a year. That gives some indication of the huge disparity in incomes between sub-Saharan Africa and western Europe. In Uganda, 35% of residents do not have access to clean drinking water: the major factor as far as hygiene is concerned.

There are many interesting parallels between Uganda and Northern Ireland. Many aid agencies represented by the Coalition of Aid and Development Agencies in Northern Ireland (CADA) are active in that country. We have strong involvement through Irish Aid, the Irish Government's implementation body for overseas development. That, plus the fact that we have strong links with that country, has focused our attention on Uganda.

North-east Uganda has other interesting comparisons with Northern Ireland. It has 1.5 million people, which is not too far removed from Northern Ireland. It is an area that has come out of a long internal conflict, where terrorism, unfortunately in this case the Lord's Resistance Army, inflicted great pain and hurt and caused mass movements of people. Those parallels are helpful in our work. What we propose is in harmony with the Ugandan national development plan. We are working with the Ugandan Government rather than in opposition to it. Four main themes are proposed: education, health, rural development and livelihood security.

Having identified that country as one where we feel we can take forward assistance from Northern Ireland, what are the key principles that we hope to implement? We want to build strong and effective partnerships between Northern Ireland and north-east Uganda by facilitating the transfer and exchange of knowledge, skills and expertise between the two regions. We want to ensure that all actions are beneficial to both regions because we have much to learn as well as assisting north-east Uganda. We want to ensure that all actions in north-east Uganda correlate with the Ugandan Government's development plans. We want to ensure that sustainable development is at the

centre of all actions undertaken, and we want to complement the sustainable international development policies of the two Governments, namely the United Kingdom and the Irish Republic, and the work of the major agencies.

We want to reflect the strength and connections of the people and communities of Northern Ireland in international sustainable development, and, of course, we want to assist in the delivery of the millennium development goals. This is a very small start, but we can say that we have crossed the Rubicon if this motion goes through. We are starting out on a journey on which, hopefully, Northern Ireland will start to play its part in international development.

From small acorns, great oaks grow, and I hope that that is where we are going tonight. I would like to think that we will look back in 10 or 15 years and say: "This is where it started. This is where Northern Ireland started to play its role." I believe that the community is behind us in this project, and that the vast majority in Northern Ireland, no matter where they hang their hat on a Sunday morning, want to see us play our part.

There may be a few in here who will say that we have our economic problems; that we should not be spending money overseas, but looking after number one. I hope that the figures quoted indicate that even the most deprived part of Northern Ireland is extremely wealthy compared with north-east Uganda. No one in Northern Ireland is surviving on \$300 a year. The millennium goals are that we should spend 0.75% of our GDP on overseas and international aid projects. What we are proposing is nothing like that. I hope that we will get there one day, but we have to start somewhere. It is only when we reach that UN target that we can start to say that we really do care about others.

Remember, as we speak in the comparative luxury of Stormont tonight, that in Uganda and other parts of sub-Saharan Africa, there are children going to sleep who are hungry, children with life-threatening diseases, and a huge proportion of the population with HIV/AIDS.

We have to show that we care. If we agree the motion tonight, we start the ball rolling, and we start to make progress towards that highly desirable goal. If we were to name this endeavour, I would call it the "Carmel Hanna project". Without her, we would not be having the debate. I do not know whether she deserves

a knighthood, a peerage or some other award, but whatever she gets is richly deserved.

7.45 pm

Mrs McGill: Go raibh maith agat, a LeasCheann Comhairle. As a member of the all-party group, I commend those who pushed for the motion to be included on today's Order Paper. It could be said that this is the most important debate of the day, because it illustrates that the House is prepared to look outside itself. As the Chair said, we should look at people, countries and places that are not nearly as fortunate as us and try to do something. The motion illustrates the generosity and commitment of the House.

Yesterday, I spoke to Karen Gallagher, who is the chair of the Coalition of Aid and Development Agencies (CADA). There are about 21 organisations in CADA, including Concern, Tearfund, the British Red Cross and Trócaire. Karen told me that an awful lot of good work is being done in parts of Africa, Asia and the Americas. However, what is lacking is a comprehensive overview of the amount of work being done, who is doing it and what further work needs to be done. She said that, in the first instance, a strategy is of key importance, and the development of such a strategy is the focus of the motion.

The Chair referred to a report from which it emerged that north-east Uganda would be an area with which this area of the world could work in partnership to help those who are less fortunate than us. The Chair outlined the themes and areas on which that partnership could be built. In general terms, one theme is working towards poverty reduction, and a second theme is that of improving the quality of life for citizens living in those areas. Those two themes are underpinned by the eight UN millennium development goals, the Paris Declaration and the Accra Agenda for Action. Ireland and Britain have signed up to the themes, ethos and culture of all of those.

At today's all-party group meeting, we received a briefing from a Fairtrade coffee farmer from Tanzania, which I found extremely insightful and informative. It was a practical illustration of a partnership that was extremely worthwhile. You were there, too, a LeasCheann Comhairle, as were other Members. The briefing lasted only about 15 minutes, after which there were some questions and answers, but the benefits of, for example, Fairtrade were clear to all. So I want to plug Fairtrade, as we were asked to do so.

I refer to an Assembly debate in 2008, when my party colleague Raymond McCartney expressed Sinn Féin's full support for a strategy and for reaching out and doing what we can as an Assembly for those less fortunate than us. Junior Minister Gerry Kelly was present on that occasion, and, in responding to the debate, he said that the Executive and the Assembly have a role in enabling and supporting international development. That was an affirmation, in 2008, that the Assembly wanted to do something. He referred to the Programme for Government.

The intention of the motion is generous; I fully support it and urge all others to do so as well.

Mr Kennedy: I join Members who have spoken in the debate in paying tribute to all those who serve on the all-party group on international development, particularly Jim Wells and Conall McDevitt. I join Jim Wells in paying tribute to Carmel Hanna, a former Member for South Belfast, who was instrumental in establishing the all-party group and provided strategic leadership and commitment on the issue. I also thank all of the many people across Northern Ireland who are interested and involved in international development for their ongoing work and commitment.

I am pleased that the area that we have chosen to partner is north-east Uganda. The statistics on life expectancy in Uganda are in stark contrast to those for our own very happy situations. Almost a third of the population in Uganda lives below the national poverty line, which is a very sobering statistic, as is the fact that Uganda has the second highest birth rate in the world.

Education is central to reducing poverty. We must, therefore, invest in the young people. I am pleased that the strategy recognises the United Nations millennium development goals, which include objectives such as achieving universal primary education, promoting gender equality and empowering women, combating HIV and Aids and developing a global partnership for development.

Although I am not speaking as a Minister in this debate, I am aware that my Department has been involved in the Irish African Partnership for Research Capacity Building for some time. That is a very good example of global partnership in action. Higher education institutions have a crucial role to play in addressing global issues.

Mr A Maginness: I welcome the debate on the motion. To my shame, I am not a member of the all-party group on development, but it has my support.

In addition to education, it is very important for us to use the considerable expertise that we have in Northern Ireland. For example, the Housing Executive has fantastic expertise in house construction. We also have expertise in the water service and many other facets of our lives. Translating that expertise and bringing it to places like Uganda is very important. I urge the Member, as a Minister, to urge the Executive to try to channel that expertise into such areas.

Mr Kennedy: I thank the Member for his contribution and accept the point that he makes. There are so many agencies and Departments that can co-operate and collaborate to improve things generally. We have to build on that.

I am not sure whether taking that intervention allows me an extra minute.

Mr Deputy Speaker: Yes, it does.

Mr Kennedy: Thank you very much.

I am therefore pleased that the strategy is committed to building strong and effective partnerships between Northern Ireland and north-east Uganda. The transfer and exchange of knowledge, skills and expertise, ensuring that all actions in Uganda correlate with the Ugandan Government's development plans, will reflect the strengths and connections of the people and the communities of Northern Ireland in international sustainable development.

I also draw attention to the potential to co-ordinate the development of internships, mentoring programmes, placements, job exchanges, school-to-school links and community-to-community links. Those experiences often prove invaluable, and I offer support to the opening of such opportunities.

Nurturing public and private sector placements and partnerships that contribute to the strategy, and to how it is delivered, is important. The report also importantly notes that Northern Ireland has a long history of working in partnership overseas, and in Africa in particular, and Mr Wells, rightly, highlighted the extensive charitable giving that is reflective of the entire community here.

I want to draw Members' attention to the work of my colleague, the MEP Jim Nicholson, who

is a vice chairperson of a joint parliamentary assembly between MEPs and elected representatives from African, Caribbean and Pacific countries. Last September, Jim visited Haiti after the devastating earthquake there, and his work in Europe should and can inspire the Assembly to play its part in global development.

Northern Ireland remains the only devolved region without a specific response to contributing to international development. I am pleased to see that we are closing that breach with the publication of the report, and that is thanks to the dedication of the all-party group on international development.

Mr Deputy Speaker: Bring your remarks to a close.

Mr Kennedy: OFMDFM can drive forward this agenda. My party and I will seek to ensure that the strategy is high on our agendas during the next mandate.

Mr Deputy Speaker: I call Mr Declan O'Loan.

Mr O'Loan: Mr Deputy Speaker, I withdraw.

Ms Lo: I support the motion, and I thank all of those who helped to produce the report. I echo the tributes of other Members to Carmel Hanna, Jim Wells and Conall McDevitt, who kept the all-party group alive for all these years.

People in Northern Ireland are well known for their generosity in volunteering overseas and giving to developing countries through donations to charities. Indeed, CADA members collectively raised around £23 million in 2009 from the public in Northern Ireland.

As a member of the all-party group on international development, I fully endorse the report, and I am very pleased to see that we have at last joined with the other devolved regions in at least having some form of strategy on international development. Although we have no formal remit or budget to fund international development or develop projects of our own, the report will provide a focus and energy to enable us to support the work of CADA, DFID, Irish Aid and others in their work in north-east Uganda, which was recommended as our priority area in the report.

We have a long history of working in Africa, from early faith-based links to more recent aid projects and humanitarian work, public sector support in kind, private sector trade links and community initiatives. A number of years ago, when he was in his late teens, my youngest

son went to Malawi with his youth group, and I know that it opened the eyes and minds of all those young people who spent time with their counterparts from that country.

As other Members have indicated, Uganda is very similar to Northern Ireland in its demographics and its problems with sectarianism and conflict. I hope that we can use our experiences and expertise, for example in agriculture, to positively influence the work and outcomes of the projects that are undertaken in the region.

In Northern Ireland, we have benefitted from financial and political support from the EU and the USA for the past 40 years. Now that we have more peace and stability, it is essential that we help others who are in greater need. However, helping others is very often two-way traffic, and we very often learn more about ourselves and gain from the knowledge and wisdom of others.

8.00 pm

Economically, working in Uganda can enhance trade links between Northern Ireland and developing countries, and we just have to look at the example of China. Many major projects in Africa are producing benefits to both countries.

With regard to education, the Employment and Learning Minister highlighted our links with that country, and more linking of our schools and universities with local institutions would benefit our young people and help them to become more outward-looking.

Joining the Scottish and Welsh devolved Administrations in developing a sustainable strategy to support the eradication of poverty means that we can play our part in achieving the 2015 millennium development goals.

Mr Callaghan: Go raibh maith agat, a LeasCheann Comhairle. I, too, welcome the debate. Unfortunately, I have not been a Member of the House for a sufficient time to be able to provide any particularly constructive input to the group — or really any input to the group at all. Nevertheless, I commend the efforts of everybody involved in it. I know that, inside and outside the Assembly, the valiant and passionate efforts of Carmel Hanna are regarded, acknowledged and noted.

Mr Deputy Speaker, it seems appropriate that you are in the Chair for the debate, given that Mountsandel in Coleraine, the place where

human beings first arrived on this island, is in your constituency. If we think far enough back to the people who made that journey, it brings us back to our common humanity and the simplicity and courage of the people who made very troubled voyages over heavy seas all those millennia ago.

Water is key to so much of life. Only this winter, people in this part of our country discovered the hardship that is caused when water is not available. As Mr Wells said, many of the things that we take for granted and that shock us to our core by their absence, people in other parts of the world can only aspire to as something that is in the future or perhaps is only for their children to aspire to. I do not want to be facetious, but maybe Northern Ireland Water is not the best example of the technical assistance that we would propose to send overseas. Nevertheless, the point is a valid one. There are people in Uganda and other parts of the developing world who can only dream of the standard of living that we have, and, therefore, the debate is timely and opportune.

Having listened to Mr Wells, Mr Kennedy and other Members, I am struck that so much of what we take for granted in our healthcare system and basic expectations around life does not necessarily follow in other parts of the world. The statistics and facts that we often hear about infant mortality and women dying in childbirth strike me, as a new father, as being very real. I know, as every Member knows, that the love that a parent has for a child in Northern Ireland is no greater or no less than the love a parent has for a child in any part of Uganda or anywhere else in Africa or the developing world. That, too, is another reason why we should do whatever we can to provide assistance to develop capacity and well-being in parts of the world that are less fortunate than our own.

As Anna Lo said, the Irish are a globalised people. Although this region has been criticised, sometimes rightly, for being introverted and insular, many of our people are global in their outlook and interested in causes that do not directly affect them. They want to champion big causes and big interests. There is significant interest in the work of the group, and since I became a Member my e-mail inbox is a testament to that. It fits with the fine global traditions, lay and secular, of intervention in economic and developmental work around the

world that this strategy is now laid before the House.

I hope that we will develop better governance and aid links with north-eastern Uganda and that, in time, trade links will blossom and grow from the personal relationships that will come about as a result of the strategy. In his opening remarks, the Member for South Down rightly spoke about the material deprivation and the absence of wealth caused by war and poverty in north-eastern Uganda. To a small extent, we have had similar experiences. I have visited Africa only once.

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

Mr Callaghan: I will draw my remarks to a close promptly. Anyone who visits Africa will realise that, for all the material deprivation, there is a huge wealth of culture and spirit in which we can share. I welcome the strategy and, to coin a metaphor used by Mr Wells, as a Derry representative, I hope that great oak trees grow from this acorn.

Mr McDevitt: I thank Mr Wells, Ms McGill, Mr Kennedy, Ms Lo, Mr Callaghan, Mr Alban Maginness, Mr O'Loan and you, Mr Deputy Speaker, for making those occasional meetings on a Tuesday at lunchtime a special time in the House. What draws Members to the all-party group on international development is their internationalism and the fact that deep inside them is a desire to be a global citizen, to be something more than what we are identified by or what we are confined to by our job in the Chamber. As colleagues reflected tonight, it is not just people in the House who feel that way; it is hundreds of thousands of people in this region. Millions across this island and tens of millions across these islands feel that way.

For that reason I would like, before entering upon the substantive issues discussed this evening, to remind colleagues that we will gather again later this month in the Long Gallery to do something that we have not done yet and celebrate ordinary people who have made a contribution — fundraisers and those who have gone abroad on charitable missions or professionally — and to acknowledge their contribution in the name of this House as the seat of power for this region. At a time when this place was unable to reconcile itself properly, many thousands left our shores to work at

building better societies, better communities and better nations elsewhere.

I feel privileged because I have just taken on Carmel Hanna's job. I am privileged every day to have succeeded her as one of the SDLP MLAs in South Belfast, but I am particularly privileged to have been given the opportunity to pick up on an issue that she championed, as Jim Wells said, with the support of people in the House, some of whom have since left us. I also feel strongly about this issue, as it deserves much greater prominence.

Mrs McGill is right: this is a very important debate. It sends a strong message to people across our community, including children, about the values that we bring here as human beings, and about our commitment to others who, as Mr Wells, Ms Lo and Mr Callaghan said, do not enjoy the material wealth that we enjoy or get the opportunity for education that Mr Kennedy spoke about so eloquently or the jobs, training and internships that we take for granted and which are part of who we are.

At lunchtime today, I was speaking to an exceptional group of 16- and 17-year-olds from schools in my locality. It is interesting as I look around that, maybe, I see too many teachers in the room. Members, particularly those who have taught, will know what I mean. Those young men and women are all set up for life. They are highly empowered and ambitious and want to make this place work. Three years ago, in a previous life and in a different job, I was in Uganda, where I met 16- and 17-year-olds, but the big difference was that they were parents. They were not set up for life or ambitious for the future, with their hopes and dreams bagged. They were working hard at surviving. They were thinking about meals for their children. They were obsessed with getting the fees together to pay for a primary school education. The sad reality in Uganda today is that the vast majority of people get an education only if they pay for it.

Ugandan villages are small and in highly dispersed countryside, like we have on this island. I remember walking through a townland where I came across a farmer who described himself to me as an old man. Mrs McGill talked about the coffee producer that we met earlier today. The farmer that I met was working hard as a coffee farmer on a tiny acre and a half of land for subsistence, as part of a fair trade co-op. I asked him what his big dream was, and he

told me that it was to make enough money to send his grandchildren to school. He is living his life through the hopes of his grandchildren in the same way that, as our history books tell us, people on this island had nothing else to do but live their life through the hopes of their grandchildren and their grandchildren's children. He kept talking about himself as an old man, and I asked him what age he was. I thought that he was maybe 50 or 60, but he was 38, the age I am today. He may as well have been 68, because he was beaten and defeated. The only thing left in him was the hope of another generation.

It is not just that we should do something to contribute to the lives of people like that farmer — we must do something. I thank NI-CO, CADA and the very many people who cannot share the limelight this evening with us for all the work that they did to help us to design and put together the report. We can do what Mr Maginness spoke about; we can bring our expertise to bear to train teachers, inspect schools, build water systems, advise farmers and help with security or institution-building.

In north-eastern Uganda, which has been ravaged by civil war and the awful atrocities of the LRA and Joseph Kony over the past 40 years, people retreated to fortified villages, and they are only now escaping from those villages back to the land. They need to build municipal government as well as regional and state government, and the people need to have faith in it. We have the expertise to share with them and help them on that journey. That does not cost us one red cent. It just costs us time and goodwill. In my opinion, the report asks that we get that goodwill from the Executive; that Ministers and senior civil servants see the opportunity to develop partnerships with the regional and municipal governments, the education and health authorities and the agricultural inspectorates and training colleges; and that we find ways of providing that technical assistance, giving people who are every bit as talented as us the means to build their society and rebuild their communities, allowing them to live their lives not just through their children but for themselves.

8.15 pm

I thought that it was most apt, Mr Deputy Speaker, that Mr Callaghan should choose to draw your constituency into the debate by noting

that we believe and the history books tell us that civilisation arrived on this great island somewhere close to where you were born. What is fascinating about Uganda is that Uganda claims that civilisation emerged there. Uganda is where the Nile starts, just outside the Great Lakes and north of Lake Victoria. Science and history tell us that that is where civilisation started.

We have a fantastic opportunity to be able, in coming years, to respond to schoolchildren in the Assembly when they ask us what we have done for schools or hospitals or this or that by saying, "Ah, but do you know what we did last year for children of not quite your age somewhere else? We did as much for them, and we did it because, in our common humanity and internationalism, we will never be divided".

I am very grateful to the House and to my colleagues. Like Jim Wells, I am in awe of Carmel Hanna. I will remain so for a long time for the fact that we have got to this stage. I will end with a plea that we do not lose momentum and that, in the next mandate, we, as an all-party group, coalesce again to say to the First Minister and the deputy First Minister, whoever they may be, that they must progress this matter, because progressing this matter is good news for us all.

Mr Deputy Speaker: Unfortunately, before putting the Question, my attention has been drawn to the fact that there is no quorum.

Notice taken that 10 Members were not present.

House counted, and, there being fewer than 10 Members present, the Deputy Speaker ordered the Division Bells to be rung.

Upon 10 Members being present —

Mr Deputy Speaker: Saved by the bell, Mr Burns.

Question put and agreed to.

Resolved:

That this Assembly endorses the report from the all-party group on international development 'International Development Strategy for Northern Ireland'; and calls on the First Minister and deputy First Minister to incorporate its findings into an international relations strategy and to implement its recommendations.

Adjourned at 8.17 pm.

Northern Ireland Assembly

Friday 4 March 2011

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

Members observed two minutes' silence.

Ministerial Statement

Budget 2011–2015

Mr Speaker: Having been given notice by the First Minister and deputy First Minister under Standing Order 11, I have summoned the Assembly to meet today for the purpose of an oral statement from the Minister of Finance and Personnel on the Executive's Budget 2011-15.

Before I begin, I note that there is a keen interest in this statement. I remind the House that, with the exception of the Chairperson of the Finance Committee, I expect Members to rise in their place to ask a question. I do not want them to make further statements. Let us deal with the statement that the Finance Minister will deliver. Let me say to Members who rise in their place and persist in making a further statement, I will warn the Member once, and then I will ask the Member, if he or she persists, to take their place, and I will move on to the next Member. Let me make that absolutely clear.

The Minister of Finance and Personnel

(Mr S Wilson): Before I start, let me apologise to Members for the late arrival of my statement in their pigeonholes. I am not too sure what happened, but I am sure that they will have time as I go through my statement to read what is being said and to pose the appropriate questions. I suspect that they all have their questions ready before they read the statement anyway.

I am grateful for the opportunity to address the House and present the outcome of the Executive's determination on the final Budget position. This has been a long and necessarily slow process. As Members are aware, over recent weeks I have spent many hours in the Chamber debating the Budget process, and today I present the product of all the work that has been done by the Executive, the Assembly and all those who

have participated in the consultation. I am grateful to all who have participated.

Although I recognise that the Budget is often seen as the Finance Minister's Budget, it would not have been produced had it not been for the dedicated work of many people in the Chamber. I thank the First Minister and the deputy First Minister for the way in which they have driven the process forward, and I thank the advisers of the various parties and the Committees. I also thank my officials, who put long hours of work into the process. It is important to put that on record.

Many Members have said that the Budget would be engineered for party political advantage. That is an absurd allegation. In just 21 days, the Assembly will dissolve, and a new Executive will be appointed in May. It is simply not possible for any party to know what would be in their own narrow interest. In the next Assembly, different parties will have different Ministries, because of the uncertainties of d'Hondt.

Maybe I will introduce a wee bit of philosophy at this stage. It may well go over the head of some Members. Rather than being driven by party advantage, when considering the Budget I was more influenced by the thoughts of that well-known nineteenth-century philosopher, John Rawls, who, as Members will know, wrote a book entitled 'A Theory of Justice', in which he advanced the concept of the veil of ignorance. Put in simple form, according to that theory, people do not know what their future standing is going to be. As Rawls said:

"no one knows his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength and the like".

Since one may occupy any of those positions, that theory encourages us to think about society from the perspective of all its members. That

is what has determined the decision on the Budget.

The philosophy lesson is now over. Let me get down to the nitty-gritty of the politics and the allocations that have been made. That is how we have approached the Budget process and today's statement. I believe that, once objective observers outside the Assembly see the content of the Budget, they will realise just how absurd the allegation is. They will be able to judge the accusation that has been made and, hopefully, put it to rest.

Although the production of the Budget was necessarily free of selfish party political interests, it is clear that some of the opposition to the Budget has been for cynical party political purposes. Some Ministers simply could not take yes for an answer. What the Executive have delivered today is proof of the growing maturity in our political system, in that we can produce a fair and balanced budget for a four-year period even in the face of imminent elections and Ulster Unionist Party-inspired cuts in the Assembly. The Executive recognise that it is imperative to put in place spending plans that give certainty to Departments and, therefore, employees and all our citizens who avail themselves of public services.

In a five-party mandatory coalition, no party will get everything that it wants from a Budget process, but I believe that the outcome marks a fair compromise and has sought to take on board the concerns of all parties. However, the reality is that, in the present fiscal environment, there is less money to spend. As I said back in December when releasing the draft Budget, we have received no favours from the UK spending review, which has resulted in a loss of £4 billion of spending over the review period. The UK national Administration, supported by their electoral partners in the Ulster Unionist Party, have imposed a very tough spending — *[Interruption.]*

Mr Speaker: Order. The Minister must be heard.

The Minister of Finance and Personnel: You can be absolutely sure of one thing: when you hear the clamour from that end of the Chamber, you know that you have hit the target and hit it very well.

Today, those who advocated the cuts to the Northern Ireland block are the ones who complain loudest about the Budget settlement that those cuts produced. They still refuse

to accept responsibility for them. However, in the face of such a difficult settlement, we have sought and fought to raise additional revenue, deliver savings and improve financial management to deliver additional spending power for the Northern Ireland Executive. The Executive have risen to the challenge.

The process has resulted in hundreds of millions of pounds of additional allocations, which have been made possible since the draft Budget. I hope that, in the coming months, that can be improved again as the Budget review group continues its work. The final Budget is the end of one process but also marks the beginning of the next.

Over recent weeks and months, Ministers have debated intensively where funding priorities should lie. Ministers, understandably and rightly, fought strenuously for their own portfolio, but there was consensus on the key issues. It is clear that the key principles in the existing Programme for Government are still relevant. The priority for the Executive must continue to reside in creating a climate conducive to economic growth through investing in skills, employment and infrastructure, while preserving the integrity of healthcare provision in Northern Ireland.

I emphasise again that the desire for economic growth is not based simply on an ideology. Rather, it is based on a desire to improve the income levels and living standards of all the people of Northern Ireland. I do not need to remind Members that the consequential benefits of such an outcome are improvements in health and education across all sections of the community.

Although the Executive had less money to allocate as a consequence of the UK Government's settlement, we believe that we have now allocated our available resources to the highest priority areas. That should ensure that key front line services are protected as much as possible. However, there is a requirement on the Executive to ensure that the scarce resources are deployed in the most efficient manner possible. I believe that there is still considerable scope to drive out genuine cash-releasing efficiencies over the next few years.

Publication of the final Budget does not signify an end to the Executive's pursuit of additional revenue sources. Ministers will pursue many potential sources of additional revenue over the coming weeks and months. That is why the

ministerial Budget review group will continue to meet. It is also why that Budget review group will, despite the behaviour and claims of some Ministers, include all parties. That needs to be emphasised. Momentum must be maintained in pursuing these issues. Only when the proposals become more concrete through delivery can the Executive factor any released resources into future monitoring rounds. In a more constrained financial environment, we must look more aggressively at how money can be saved and better used.

I referred earlier to the growing maturity in our political system. That growing maturity will undoubtedly generate further benefits for the citizens of Northern Ireland. As our community becomes more comfortable with itself, we should begin to see savings accrue from greater integration and co-operation, as the costs of division diminish. By prioritising early intervention and prevention, we can ensure that we get long-term savings and maximise the return for our investment. In the next Assembly term, better joined-up working and collaboration between Departments will also be crucial to ensuring that we get best value for money.

10.45 am

I would now like to address some specific issues, the first of which is the provision for the health budget. Many times over recent weeks, I have highlighted how the Executive have afforded funding protection to health services in the draft Budget. That position undoubtedly made the financial allocations to all other Departments much more severe, given that the health budget accounts for a large proportion of the total block. This final Budget position goes further by providing additional funding for the health budget. However, although I have been able to make a significant contribution of £120 million to DHSSPS over the period and to permit an internal reclassification that generates a further £69 million of genuine spending power, I emphasise the significant backdrop to that. I recognise that that is still short of what the Health Minister has publicly said that he feels is needed. However, although his statement of need has been made publicly and often, the Executive still await the presentation of a robust case from him.

The McKinsey report, although welcome, has been presented very late in the day and without any accompanying commentary from

the Minister. Although it seeks to articulate the cost pressures facing DHSSPS, it also sets out some material savings that can be made in the sector. Interestingly, it also highlights that every month's delay in pursuing those savings will reduce the quantum of achievable savings in 2014-15 by £5 million. So, every month's delay will reduce savings by £5 million, which is £60 million a year, and we have already had a five-month delay. I note with regret, that, despite the report being received some five months ago, to date no action has been taken on it by the Health Minister, other than to continually speak publicly about the cost pressures therein. I, therefore, ask him this very basic question: has he as yet developed an implementation plan for the necessary work?

In that context, I regard the case that has been articulated by the Minister as not proven. The Executive are committed to the Health Service, as evidenced by the unique measures offered to the Minister, such as record spending allocations, preferential treatment compared with other Northern Ireland Departments and health Departments across the United Kingdom, complete budgetary flexibility and a first call on in-year resources. However, we simply cannot afford to continue in that way without a firmer evidence base.

I, therefore, propose that, aligned with that material increase in funding, we defer final judgment on the position of the Department of Health, Social Services and Public Safety until the PEDU work that was recently agreed by the Executive has concluded. Although I remain confident that that work will identify substantial scope for savings in DHSSPS, in the event that it concludes that additional funding is needed and, indeed, required, I will happily bring proposals back to the Executive to top-slice all Departments to provide the established level of funding.

I now turn to the issue of the Belfast port. Colleagues will be aware that the draft Budget agreed a planning assumption that the port would make £15 million per annum available in the third and fourth year of the Budget period. In addition, the port was to provide £5 million in the first year towards the Paint Hall development in the harbour estate, which is a key development in attracting high-value inward investment. That has not proved possible, so we have adopted an alternative approach to the Paint Hall issue: we are going to fund it from our own resources. However, in the long term,

I still believe that we can maximise the value of the port to the broader strategic interests of Northern Ireland, and thus I have increased the assumed resources in the final two years to £20 million per annum. The Regional Development Minister will proactively pursue the necessary legislative changes to underpin that approach.

The next issue that I want to deal with is stadium funding. Much work remains to be done to bring the standard of stadiums across the three main sports — rugby, football and GAA — up to the desired level. I emphasise that this is not about trophy venues but, rather, about encouraging and broadening the participation base of all sports. That has economic and social benefits, not least through encouraging and supporting more active participation in sports, with the consequent health and lifestyle benefits to all concerned. In that context, we have decided to adopt a six-year approach, and the Minister of Culture, Arts and Leisure will shortly return to the Executive with his plans for the long-term strategic approach.

The Minister of Culture, Arts and Leisure has also been given additional funding for libraries and arts across the Budget period in recognition of representations made during the consultation exercise. Again, I emphasise that that is further evidence of the connection between the Executive and the community and an acknowledgement that, despite the cynical views of some, we see the consultation process as playing an important role in shaping our approach to the Budget.

I turn now to education. An efficient, fit-for-purpose education system is critical for our skills enhancement agenda. In response to representations from the Education Minister, in which she set out her concerns about the skills agenda being undermined, the Executive have agreed additional funding allocations to the sector. Over the four-year period, an additional £114 million of current expenditure has been added to the draft Budget provision, and a further £40 million has been allocated for capital investment.

Mr Speaker, I turn now to the funding of the House and the Assembly, an issue about which you have been exercised and made representations to me. You raised the issues that have concerned you and the Assembly Commission, and you will be pleased to know that I have acknowledged those representations

— I want to make sure that I am called in future — with an enhanced current and capital allocation over the Budget period. I firmly believe that the Assembly should set an example when it comes to making savings and becoming more efficient. My draft Budget allocation was not about trying to emasculate the Assembly or undermine this legislature. There was also the assurance that, if the Assembly needed additional resources in-year, the monitoring round process would automatically provide what was needed. The Assembly has never had a request for resources rejected by the Executive.

I turn to the Department for Employment and Learning, which is controlled by a Minister from the Ulster Unionist Party. In relation to funding for that Department, the Executive have acknowledged that there are pressures outwith the control of the Minister for Employment and Learning, particularly in the context of the Department's contribution to economic growth through upskilling the workforce and supporting people in making the important transition from welfare to work. In acknowledging those issues, the Executive have agreed to make a further £51 million in current expenditure available to the Department over the four-year period. However, I make the point that the Minister for Employment and Learning has to address some significant inefficiencies in his Department. There are obvious areas where funding incurs a high degree of what economists refer to as dead weight — expenditure that is not required, as the individual project would have proceeded anyway. That complete loss of spending power to the Executive should be addressed as a matter of urgency.

I have already referred to the importance that the Executive place upon growing our economy. This Budget builds on previous decisions to deliver on that commitment. As part of the Budget process, we have transferred over £250 million from current expenditure to capital expenditure, to ensure that we continue to invest in the long-term future of Northern Ireland.

I have already mentioned the increased allocations to DEL and DE to strengthen our skills enhancement agenda. The Executive have also allocated a further £2 million in current expenditure to DETI in 2011-12. That allocation will bring the DETI current expenditure uplift to 3.8% in this year. Factoring in the Executive's continued commitment to maintaining the manufacturing sector rate cap at 30% gives

some insight into the Executive's commitment to the economy.

I want to make one further new announcement on rates. I want to rebalance the system of business rates. My Department will bring forward proposals to significantly extend the small business rate relief scheme, effectively doubling the current position on reliefs. I will look at cross-subsidising that by applying a levy to large retail properties, including major out-of-town shopping developments, which, when compared with our smaller businesses, have not fared too badly during this downturn. My Department will, of course, need to assess the impact of that and consult on it before the final decisions are made and the details are worked out, but, when that is done, I hope that the next Assembly will pass the legislation quickly to allow those changes to occur for the following rating year from April 2012.

I now turn to the issue of a childcare strategy. The ministerial subcommittee on children and young people produced a substantial scoping report into childcare provision across Northern Ireland. That report revealed that there were significant challenges in provision and affordability. In the next Administration, in recognition of the critical role that the issue plays to the economy, the intention is to develop a childcare strategy on a cross-departmental basis. During the development of the report, a number of key, immediate actions emerged that will help to support existing provision, as well as childminders and childcare and the creation of increased and affordable provision, such as start-up packages for childminders. The Budget provision of £3 million per annum will help to support a range of new measures, thereby reducing barriers to employment and encouraging and supporting economic activity in line with the priorities of growing the economy and reducing deprivation and poverty.

I turn to the Department of Justice. The financial package that was negotiated as part of the Hillsborough agreement provided the basis for ensuring that the transition to having policing and justice powers governed by a locally elected Justice Minister for the first time in 40 years could take place without putting at risk the functions that had already been devolved. However, in the context of Hillsborough, the Chief Constable made it clear that he needed certainty over the next four years on access to the reserve and that he needed to address the

current security threat without compromising the other vital elements of policing that he is responsible for. In response to that, we negotiated with the UK Government an additional £200 million for the Department of Justice over the Budget period. Building on the draft Budget position, that will allow the Minister of Justice and the Chief Constable to address the exceptional security situation that we currently face. *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: I do not know whether the Member who interrupted is objecting to that in the same way as he objected to spending money on the economy. It seems that he now wants to object to money being spent on the police.

I believe that that will provide the PSNI with the stability and certainty that it needs to manage the security threat over the next four years.

Mr Speaker, you will note that the Executive have made a number of significant allocations since the draft Budget was presented to the Assembly last December. That has been made possible by a number of factors. The assumed level of rate receipts has increased due to increased revenue collection by LPS, and some technical transfers and adjustments have been made. More importantly, the Executive left the draft Budget with some £25 million a year held unallocated at the centre. That can now be disbursed to Departments.

The Executive also agreed to introduce a measure of overcommitment on both the current and capital side. The overcommitment of £30 million per annum on current and capital spend is really a self-help facility that has been made possible by better financial management across the public sector and by the many revenue-generating opportunities that Departments identified. In this context, that is a prudent level at which to set the overcommitment.

In summary, the final Budget has been developed in the context of the most difficult financial circumstances to have faced a devolved Administration in Northern Ireland. *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: Despite that and building on the draft Budget, we have identified material additional resources for key public services. Let me summarise those again.

There will be £120 million for the Department of Health, Social Services and Public Safety, which will be supplemented by a further £69 million real spending power that does not appear in the figures. There will be £154 million for the Department of Education, £51 million for the Department for Employment and Learning and £107 million for the Department for Regional Development.

In addition, I propose further measures through the rating system to support and maintain small businesses through difficult times.

11.00 am

This is a Budget that supports the community, grows the economy, and reflects the needs and aspirations of the people of Northern Ireland. I commend it to the House.

The Chairperson of the Committee for Finance and Personnel (Mr McKay): Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement and personally welcome the additional funding for health, education and, in particular, childcare provision, which is a massive economic driver, especially in rural areas.

In its report on the draft Budget, the Finance Committee called on all Executive Ministers to ensure that their Departments expedite attempts to identify and investigate all possible options for raising further revenue to reduce the impact of the British Government's spending review on public services and, therefore, protect the most vulnerable in our society. Will the Minister advise the Assembly whether he is confident that all Departments are doing all in their power to identify and investigate all possible sources of additional revenue, particularly through the budgetary review group?

The Minister of Finance and Personnel: I wish that I could give such an assurance to the Member. When we discuss and debate the Budget next week, by which stage, of course, the detail of the spending and saving plans of each Department should be available, Members will be able to identify the Departments that are lacking in that regard. All that I can say is that I have received communications from the permanent secretary of the Health Department, who has indicated the pressures on his budget and that one of the difficulties is that his Minister has refused to look at any revenue-raising measures.

Mr Hamilton: I congratulate the Finance Minister and his Executive colleagues on agreeing a Budget in the very difficult circumstances of dealing with the Ulster Unionist-approved Tory cuts of some £4 billion to our Budget.

Mr Cobain: Your Minister agreed it.
[Interruption.]

Mr Speaker: Order. Allow the Member to ask the question.

Mr Hamilton: Mr Speaker, I hear Mr Cobain yelping loudest. I know that he had to hold his nose, but he reeks of his party's association with the Conservatives.

Mr Speaker: I encourage the Member to come to his question. [Interruption.] Order.

Mr Hamilton: Will the Minister tell the House how the overcommitment position in this Budget compares to that in the current Budget?

The Minister of Finance and Personnel: First, in the debates on the draft Budget, I made it clear that I did not want to see figures that I was not comfortable with included in the Budget position. If the Member looks at the overcommitment that we have put in the Budget for the next four years, he will see that it compares very favourably with what happened over the past four years. That is because, in the first of the past four years, there was an overcommitment of £100 million; in the second, an £80 million overcommitment; and, in the third, a £60 million overcommitment. In effect, we have had to manage a £127 million overcommitment because of the Conservative-Ulster Unionist Party cuts in this year. We have managed that and, indeed, we have carried over £23 million — [Interruption.]

Mr Speaker: Order.

The Minister of Finance and Personnel: — into next year. One must recognise, historically, the overcommitment that we have been able to manage this year, and the fact that, towards the end of this year, in the February monitoring round, to avoid giving money back to the Treasury, we had to make a number of allocations. That end-year flexibility (EYF) position, of course, makes it even more important that we do not have surplus money at the end of the year. Therefore, on all those bases — historically, what we have been able to do this year, the EYF position and the inability to carry money over — the overcommitment of £60

million a year that we have built into the Budget is a reasonably conservative approach to that method of funding.

Mr McNarry: It is good that the Minister has found an extra £400 million, but it is still very worrying how he missed it in the first place. *[Interruption.]*

Mr Speaker: Order.

Mr McNarry: As regards the DUP-Sinn Féin cuts that he is announcing today, why was the Minister unable to use the extra money that was found to meet the Health Minister's representations? Does the Minister accept the Health Department's figures, which point to insolvency?

The Minister of Finance and Personnel: What amazes me, and what will amaze most people listening to the debate, because the general public recognise why we are in the difficulties that we are in —

Mr B McCrea: Indeed they do.

Mr Speaker: Order.

The Minister of Finance and Personnel: We are in those difficulties because of reductions made from Westminster, but so wrapped up are the Member and his party in their cosy relationship with the cutting Government at Westminster that there is not one word of condemnation for the source of the cuts. *[Interruption.]*

Mr Speaker: Order. The Minister must be heard.

The Minister of Finance and Personnel: That speaks volumes. The Ulster Unionist Party is now so deeply involved in its franchise —

Mr Cobain: Are you going to answer the question?

The Minister of Finance and Personnel: I am going to answer the question in a moment or two, yes. *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: I know that it is embarrassing to the Member for me to point this out, but, given that the issue was raised, it cannot go unnoticed how tied the Ulster Unionist Party is to the party that advocated cuts and, indeed, that said that it would single out Northern Ireland for special consideration.

Some Members: You voted for it.

Mr Speaker: Order.

The Minister of Finance and Personnel: But, of course, given that the Ulster Unionist Party advocated for people to vote for that, I suppose that it cannot now distance itself from that party.

As far as the additional money that has been found is concerned, I would have thought that the Member would welcome it. He should also welcome the fact that most of that money has been allocated to Departments that are currently run by his own two Ministers, which again illustrates that this is not some kind of carve-up between the DUP and Sinn Féin. All I can say on that is that we are not very good at carving things up.

The Member asked whether I recognise that the figures that Health Minister gave to the Assembly and his Committee are not covered by the additional allocation of £189 million. I do not know whether he was listening to what I said. In my statement, I made it clear that we recognised the context: we will put the performance and efficiency delivery unit (PEDU) in to Health — since the Minister is not looking for savings, we are going to look at where they might be found — and, if we still find that there are pressures, we will top-slice other Departments. I cannot make it much clearer than that. The Executive have given a commitment to the Health Service in Northern Ireland.

In all that, the one thing that is significant is that, while we have sought solutions, not one suggestion has come from that party.

Mr P Robinson: There was one.

The Minister of Finance and Personnel: Yes, there was one. We had only one suggestion from the Ulster Unionist Party about where I should find money: cut it from Invest Northern Ireland, although I understand that there may be a recanting of that position later. If, of course — *[Interruption.]*

Mr Speaker: Order. Allow the Minister to continue. I really have to say that if Members are going to ask questions about the ministerial statement, they must allow the Minister to answer the questions. You cannot continue to interrupt. *[Interruption.]*

Order. We have an exhaustive list, so let me remind Members who continue to disrupt that they may not be called. Let us be very careful here.

The Minister of Finance and Personnel: Of course, if that suggestion is withdrawn, we will have had no ideas from that party as to how we might deal with the Ulster Unionist Party cuts.

Mr McNarry: What about an answer on insolvency?

Mr Speaker: Order.

Ms Ritchie: I thank the Minister of Finance and Personnel for his statement. Some weeks ago, at Question Time, the First Minister described the Health Minister's lack of enthusiasm for his draft budget as obscene. Does the Finance Minister agree with that assessment, and, if so, why has he allocated a further £120 million to Health? In addition, does the Finance Minister now agree that, before he prescribed a Budget, there should have been a Programme for Government, as he acknowledged to me in a recent written answer?

The Minister of Finance and Personnel: I do not believe the lady. I have sat through about 24 hours of debate on the Budget Bill, during which I was pilloried by her party for not giving enough money to the Health Department. Now she is condemning me for doing so. I know that I have given significantly more than what the SDLP recommended in its document — *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: Of course, the SDLP recommended in its document that the Health Department should get about £10 million or £20 million extra a year. I have more than doubled that. So, I cannot understand where she is coming from. *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: It illustrates that, as I said in my statement, some parties in this Assembly have made —

Mr McNarry: Name them.

The Minister of Finance and Personnel: I will name them and point them out. *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: For two parties in this Assembly, the SDLP and the Ulster Unionists, it really would not matter whether I had allocated all the money that was available to all the projects that they are

supportive of; they were still going to vote against the Budget. *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: Those two parties are not about seeking an efficient, fair and effective Budget in the face of unprecedented cuts. They are all about how they can position themselves for electoral advantage in the May elections. The kind of question that the leader of the SDLP asked — *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: The public will see through what is basically a transparent piece of politicking.

Dr Farry: The Budget may not be the Budget that the Alliance Party would seek to strike as an individual party, but, unlike two other parties in this Chamber — *[Interruption.]*

Mr Speaker: Order. The Member must be heard.

Dr Farry: — we respect that we are part of a five-party Executive and that there are processes that we have to abide by and obligations that we have to meet as an Assembly and an Executive. Therefore, what role does the Minister see for the Budget review group, which I welcome now that it will be on a standing basis, and for PEDU in following through on what I see as the beginnings of a potentially much more strategic approach to finance in trying to address some of the issues the Minister has set out such as early intervention and prevention, better collaboration between Departments and, of course, the cost of division?

The Minister of Finance and Personnel: I thank the Member for his comment. It is important to put on record — I have put it on the record once already, but I want to do so again — that the Alliance Party had the same luxury as the Ulster Unionists and the SDLP of sitting in the Executive, getting its generous allocations and then voting against the Budget so that it was not — *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: — identified with the hard measures that are necessary given that there is a £4 billion reduction in the money that is available to us. The Alliance Party could have done that, and the Budget would still have gone through. However,

the party did not do that. That is the difference between a party that goes in, fights its case, is realistic about what is available and does its bit in trying to be an effective party in Northern Ireland — *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: Both the Ulster Unionist Party and the SDLP have approached the issue cynically, because, as smaller parties, they have that luxury. They would die if Sinn Féin and the DUP took the same attitude and we did not get a Budget and ended up in economic chaos. They would die. They would be out there pillorying us. However, they know that some people in this Assembly have had to take — *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: — a responsible position. The Alliance Party is to be congratulated, because it could have avoided taking the responsible position but did not. However, the Member has raised an important point. *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: First, the need for collaboration between Departments came through in a lot of the consultation responses. There is already evidence of that happening. It is maybe not as widespread as it should be, but there is evidence of it already. For example, on the delivery of the guaranteed skills programme, the Department of Enterprise, Trade and Investment could have argued that that should sit with it because it is all part of industrial promotion. However, it recognised that it could be done more effectively in the Department for Employment and Learning, and it accepted that money that would have gone to its budget will be allocated to the Department for Employment and Learning.

I wrote to the Minister for Social Development and indicated that money that we were collecting in rates would be better spent on the green new deal programme, so the money went to his Department. There is more scope for that.

11.15 am

Secondly, the Budget review group has to look at where efficiencies can be driven, and, in the Budget allocation, we have allocated more

money to strengthen PEDU to allow it to do the kind of work to which the Member referred.

Thirdly, a reduction in the costs of division is a long-term project that we must look at. We will be mindful of that in the Budget review group as Ministers seek to find ways to get Departments to work together and to look at long-term programmes for reducing those costs.

Mr Frew: I welcome the statement, and I congratulate the Minister and the Executive on getting agreement. Can the Minister give any further details on rebalancing the system of business rates, which I welcome? This will be a difficult year for small businesses, particularly independent retailers in my constituency of North Antrim.

The Minister of Finance and Personnel: As I pointed out, the proposals should be cost neutral because we intend to extend the small business rate relief scheme so that twice as many businesses will be pulled into the arrangement. That will be financed by looking at some of the big out-of-town shopping centres, many of which have probably done some damage to town centres and have done fairly well through the recession. Indeed, they are declaring record profits in Northern Ireland. We do not believe that we will damage one sector to help the other sector. There should be a net benefit in that.

Until we publish the document for consultation, I do not want to go any further on the detail other than to say that the proposals are cost neutral and will help small businesses and those who have been most affected by the recession. Indeed, in response to the consultation on the draft Budget, many small business organisations said that they wanted the Executive to deal with those kinds of issues.

Mr McLaughlin: I welcome the Budget statement, particularly the fact that an additional £1.5 billion has been found since George Osborne's statement in October 2010. That represents the fact that the Assembly has done some effective work, at least some of the ministerial team and those who contributed to the consultation, which, despite its being contentious in many circumstances, was a valuable exercise. I welcome the fact that the Budget review group —

Mr Speaker: I encourage the Member to come a question.

Mr McLaughlin: I welcome the fact that the Budget review group and PEDU will continue that work, and I am sure that they will continue to add value. I welcome the £100 million that has been added to the Department for Regional Development's budget. Although the Minister of Finance and Personnel cannot speak for the Minister for Regional Development, does he believe that we will be in a position to proceed with the Dungiven bypass?

The Minister of Finance and Personnel: I am sure that the Member would love me to give him the headline for his local paper for next week. All I can say is that the Minister for Regional Development raised the issue of the pressures that his capital budget will face, especially for years 2 and 3. We sought to fill that gap as best we can, and I have to leave it to him to indicate how he intends to spend the additional money that has been made available.

Mr Ross: I also congratulate the Finance Minister in bringing the statement to the Floor of the House. How much additional money has been allocated in the final Budget in comparison with the draft Budget? Will the Finance Minister agree that, with the additional £107 million allocation to DRD, the overall DRD budget now has adequate funds to allow the A2 scheme in east Antrim to proceed?

The Minister of Finance and Personnel: The additional funding that will be made available is £388 million over the four years. Of that, £269 million is on current spending, and £118 million is on capital spending. Of course, there is also the £820 million that was made available in the draft Budget, hence the figure that the Member referred to in his question.

I, too, encourage the Minister for Regional Development to see the A2 scheme through. I trust that, in recognition of the generosity that I have shown him, he will use the additional money that has been made available to proceed with that scheme.

Mr McCallister: In his statement the Minister mentioned the integrity of healthcare provision in Northern Ireland. How does he square that with the letter from the permanent secretary, which he also mentioned in reply to a question, that stated that, come 1 April 2011, it would be almost impossible to balance the budget for the Department of Health? Does he take that letter seriously?

The Minister of Finance and Personnel: When I get a letter from the permanent secretary that indicates that the Health Service is about to go into bankruptcy, I ask myself whether that state of bankruptcy descended suddenly upon the Health Service. Usually, when businesses start to go down the tubes, there has been a long process of occurrences and impacts and action that should have been taken that perhaps was not. I ask myself why, when trends were identified during the past four years, action was not taken, such as making savings or, as I said in my statement, bringing a comprehensive case to the Executive for spending on health. That has not been done. I also read in the letter from the permanent secretary that the Minister refused to take actions that could have remedied the situation. I ask myself whether that is a result of past incompetence, present indolence or whether it is a future attempt to use the Health Service as a cheap ploy in the election. If that is the case, it is a damning indictment of the person who is in charge of the Department. *[Interruption.]*

Mr Speaker: Order.

Mr O'Loan: I thank the Minister for his statement. Productivity in Northern Ireland runs at 80% of the UK average, and many business commentators felt that the draft Budget did not address that adequately. What real changes has the Minister made in the Budget in response, or does he dismiss those commentators, who include, of course, the Minister for Enterprise, Trade and Investment's economic advisory group? Does he dismiss them, as he did in the Budget Bill debate, as "sectional" and "partisan"?

The Minister of Finance and Personnel: In a moment, I will give the Member the figures so that he can see that the Department has taken that seriously. I could accept his criticism had he prefaced his remarks by saying that if I had taken money from A, B and C, I could have given it to the areas that he has been promoting. Let us look at what we have done. Perhaps the Member has not listened to or read my statement; perhaps he simply ignored it. The Department for Employment and Learning has gained £51 million, most of which will go into further education and training. *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: The Department of Enterprise, Trade and Investment has gained an uplift of 3.8% next year —

Mr Speaker: Order.

The Minister of Finance and Personnel: The increased expenditure on infrastructure and the allocation of money from current to capital spending are designed to improve infrastructure and skills in the economy and DETI's ability to help industry. Moreover, I have also announced that we are looking for ways to help small businesses that feel the impact of the recession, particularly those in the retail sector, which are very labour-intensive. When one looks at all the things that I have tried to do within the limited resources — do not forget that that is against the background of UUP/Conservative cuts — *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: Given that it was against that background, I think that we have made sterling efforts to keep the economy at the forefront.

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. I welcome the £189 million additional spending power for the Health Service, which, incidentally, is £150 million more than the SDLP proposed to give the Health Service in its paper. Does the Minister agree with me that — *[Interruption.]*

Mr Speaker: Order. The Member must be heard.

Mrs O'Neill: Does the Minister agree that that additional spending power plus a drive to weed out inefficiencies would allow any responsible Minister the opportunity to protect front line services? I am talking particularly about an accountable, responsible Minister, not one who does not even stay in the Chamber for the length of the debate and who does calculations on the back of an envelope.

The Minister of Finance and Personnel: Walking out on Budget debates is a fairly common trait of the Health Minister. When we set up the Budget review group in Greenmount he came in late and walked out early there, too. I think that the Member has pinpointed where part of the problem lies.

The Member has raised an important issue. An additional £189 million extra spending has been made available for health. We have agreed to put in some help to identify where savings might be made. Do not forget the other commitment that we made, which is that if, after that exercise, a case is made — which has not been

made by the current Minister — that there is still money needed to protect front line services, we will bring that back to the Executive and have a discussion on it. I have put it on the public record that we will then look at top-slicing other Departments.

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

The Minister highlighted the McKinsey report, which my Committee had a look at yesterday. That revealed that there are potential savings of £600 million per annum that can be achieved without affecting front line care. He also mentioned the very welcome £190 million extra for health. Will the Minister outline to the House how that compares with settlements in other parts of the United Kingdom?

The Minister of Finance and Personnel: The settlement here now represents the most generous settlement of any part of the United Kingdom. In England, there is now a real reduction in health spending. In Wales, there is a 2·4% reduction in health spending. In Scotland — do not forget Scotland has only a one-year Budget, so we do not know what is coming in years two, three and four — there is a 0·05% uplift in spending. In Northern Ireland, we have given an uplift of, I think, 0·01% in real terms in health spending. So, in comparison with other parts of the United Kingdom, health has done better in Northern Ireland than it has done in either Scotland, England or Wales. Do not forget that, in Northern Ireland, we have not imposed 5% efficiency savings on the Health Service, which, of course, the Health Service in England has been required to find.

Mr O'Dowd: Go raibh maith agat, a Cheann Comhairle. Will the Minister comment on a number of issues? First, during the budgetary process, the SDLP proposed an extra £1 million for education, but the draft budget actually proposes £150 million for education, which will be welcome for securing front line services and jobs. Does the Minister also find it interesting that the leader of the SDLP chose to comment on health instead of commenting on the Royal Exchange, which was the reason given to the media last night as to why the SDLP was voting against the Budget? Is there a difference of opinion between the leader of the SDLP and the Social Development Minister? *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: I

suspect that there will be another reason given tomorrow, because, as I said earlier, this is not about the content of the Budget or the process of the Budget; it is all about people positioning themselves for some cheap electoral point-scoring come May. They are not good at it, and the public will see through it. Indeed, as the Member has pointed out, we have been more generous to health and education than the SDLP would have been had it been controlling the Budget, yet it complains. I think that that speaks volumes.

11.30 am

Mr Givan: I commend the parties that played their part responsibly in the Executive, generated an additional £1.5 billion and had to take tough decisions to deal with the cuts inspired by the Ulster Unionist Party's colleagues who they supported in the election. *[Interruption.]*

Mr Speaker: Order.

Mr Givan: I have to say, Mr Speaker — *[Interruption.]*

Mr Speaker: Order. The Member must be heard.

Mr Givan: To be heckled about budgetary issues by my colleague in Lagan Valley, Mr McCrea — someone who could not manage even his own office cost allowances —

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

Mr Givan: We will not take lectures on a multimillion-pound Budget from someone who could not deal with his own OCA.

Mr Speaker: Let us have the question.

Mr Givan: If I could ask the Minister — *[Interruption.]*

Mr Speaker: Order.

Mr Givan: With regard to the final Budget, what assumptions are being made — *[Interruption.]*

Mr Speaker: Order.

Mr Givan: What assumptions are being made to deal with tuition fees? Can he set that in the context of the Farren fees that were introduced and the Tory fees, supported by the Ulster Unionists, which were increased?

The Minister of Finance and Personnel: The fees issue is still out to consultation, and we do not want to pre-empt what whoever the Minister may be will decide about that. However, an allocation of an additional £51 million has been made to the Employment and Learning Minister over the four-year period. It is, of course, up to that Minister to decide what he wants to do on that issue and how he wants to spend his budget.

Mr B McCrea: I am tempted at this juncture — *[Interruption.]*

Mr Speaker: Order. Allow the Member to be heard.

Mr B McCrea: I am tempted at this juncture to say that the emperor has no clothes, but that might take us down a different route. I want to deal with — *[Interruption.]*

Mr Speaker: Order. Allow the Member to be heard.

Mr B McCrea: I want to deal with the sentence in the Minister's statement that began, "The UK national administration, supported by their electoral partners in the Ulster Unionist Party". Why did the Minister not add the line "and voted for by the DUP"? Why did you miss that out? Your party voted with the Government on the Programme for Government.

Will the Minister agree that, under the Barnett consequential, we should have £4.8 billion allocated to health? Yet we get only some £4.6 billion. Why has he taken money from the infirm, the old, those with mental challenges, the pregnant and those who need the services?

Mr Speaker: Order. Will the Member now finish?

Mr B McCrea: Will he explain why he has taken money from the most vulnerable and allocated it who knows where? That is a disgrace.

The Minister of Finance and Personnel: Maybe if the Member had read the House of Commons Hansard report properly he would realise that the DUP voted against the Programme for Government. However, we did support the Government on a Labour Party amendment to change the electoral system and how Members of the House of Lords were appointed and to introduce AV. I assume that the Ulster Unionist Party had no difficulty with that, and I assume that that is what he is talking about. Of course, that is irrelevant to the issue here.

I will deal with the issues that the Member raised. First, as far as the Barnett consequential

and the money that should have been handed down to health as a result of the Barnett consequential are concerned, we have given a bigger increase to the health budget than was given in the rest of the United Kingdom. If we had been following the Barnett consequential, we would have given health the same reduction as has occurred in other parts of the United Kingdom. We did not.

Secondly — I know that the Member's grasp of mathematics is not great — we have not taken money off health. Let me spell it out to him: we have given in this Budget an additional £189 million to health over four years. That is not a reduction. *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: Thirdly, I come back to the point that I made to the Member in a debate the other night: if he wants that extra money for health, will he tell me where he is going to get it from? He told me the other night that he had lots of ideas, and the only idea — *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: The only idea that he could put forward was to cut the budget for Invest Northern Ireland. Now, of course, he appears to regret that. *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: If we are going to have this kind of debate, the Member should at least give the public some flavour of where he would get the extra money that he wants for health. That is the only way that we can make judgements on the issue.

I have said this, and I will repeat it ad infinitum or ad nauseam if I have to: we have given a generous allocation to health in the Budget. Our health budget has got more than that of any other region of the United Kingdom. We have given health additional money in this Budget. In this financial year, we have given the Health Service nearly £100 million of additional money through in-year monitoring. We have also given a commitment that, when PEDU goes in and a case is made for additional money to protect front line services — his Minister has not yet made a case — we will bring the issue back to the Executive and parties will have to vote on top-slicing the budgets of other Departments. If the Ulster Unionist Party will not volunteer

some suggestions, we will have to put those suggestions to the Executive in the long run. I hope that that will not be necessary.

As the Chairman of the Health Committee pointed out, £600 million of efficiencies is to be found. If those efficiencies were found, we would not be having a crisis, and we would not be having the kind of shroud-waving for political purposes that we got from the Member a moment ago.

Mr Callaghan: Go raibh maith agat, a Cheann Comhairle. *[Interruption.]* The Minister has said —

Mr Speaker: Order. The Member must be heard.

Mr Callaghan: The Minister has said that people need to have a flavour of where money will come from. Really, the public need to have a flavour of where money is going to. The Budget statement is not clear, it is not transparent, and the public do not know where money will be spent.

The Minister claims that the Budget is a balanced one. If the public are to make their own judgement on how balanced it is, will he guarantee that the radiotherapy centre at Altnagelvin Area Hospital will go ahead, the City of Culture will be properly funded, the A6 scheme from Dungiven all the way to Derry will be built and the Magee campus will be expanded? If he cannot do that, is it not the case that his claims are as false as the First Minister's tan?

Mr Speaker: Order. Members should not make personal remarks about Ministers or Members in the House. I have warned Members on all sides of the House on many occasions that they should refrain from making personal remarks about Ministers and Members.

The Minister of Finance and Personnel: I suppose that, when the Member has nothing else to say, he has to find something.

Had the Member looked at the statement, he would have seen where the money is going to. Indeed, he would have seen that most of the increases in funds that have been made available have been in Departments controlled by the three minority parties in the Executive. Of the four best allocations, three of them have gone to Departments controlled by SDLP or UUP Ministers.

Mr Callaghan: Look at the figures.

The Minister of Finance and Personnel: Since the Member does not seem to understand figures, let me explain them for him. They are in the tables at the end of the statement. That is where he should look. That is the first step. The first table is headed “Current expenditure”. In the last column of that table, he will see figures for percentage increases in the period 2010–11 to 2014–15. A wee dash in front of a figure is a minus and means that there has been a reduction. If there is no dash in front of the figure, there has been an increase.

Now that that has been explained to the Member — *[Interruption.]*

Mr Speaker: Order. The Minister must be heard.

The Minister of Finance and Personnel: Now that that has been explained to the Member, let us see which figures do not have a wee dash in front of them. If the Member wants to turn to the back of the statement, he will get that information and be able to follow me. *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: Let us look down the list. The biggest figure is 8·3% over the four years — there is no wee dash in front of that, which means that it is an increase — and that goes to the Department of Health, Social Services and Public Safety. The Member told the House that he does not know where the money is being spent, and I can tell him that the biggest increase is in health spending. If the Member looks down the list, he will see that the second largest one is 3·5%, which is beside the Department for Employment and Learning. That is another increase, and, again, the Minister in that Department is from the Ulster Unionist Party. The next largest is 3% for the Department of Enterprise, Trade and Investment, and the only other Department left with no wee dash in front of it is the Department for Social Development, which, the Member will be well aware, is a Department controlled by a Minister from his party.

I have shown the Member where the money is going, and most of the increases are being given to the parties that are complaining most. That is despite the fact that one of those parties — the Ulster Unionist Party — is partly responsible for the cuts that we face. *[Interruption.]*

Mr Speaker: Order. Members, let us not have a debate across the Chamber.

The Minister of Finance and Personnel: Perhaps I misunderstood the Member and he wants more detailed information on what is happening in each Department. I warn the Member that, if he wants that information, he will have lots of similar wee tables to look at. However, we will give him plenty of time to do that before the debate on the Budget. By Monday, provided that Departments co-operate — that is an important caveat — there will be a Budget book that will contain all the information and detail on spending and saving by Departments. The Member can look at that book. I hope that he reads it better than he read the table attached to the statement.

Mr Weir: I thank the Minister for his statement. For the convenience of Members reading it, perhaps the Minister should have placed a wee plus sign in front of the increases to make it easier for us to understand.

I want to ask the Minister what implications the Budget will have for inward investment. Will the allocations made allow for increased resources for Invest NI, or will they lead to a reduction in resources, as advocated by the honourable Member for Lagan Valley Mr McCrea?

The Minister of Finance and Personnel: I rarely take advice from the Ulster Unionist Party on matters of finance, because I have found them to be devoid of any insight. It is not just the Department of Enterprise, Trade and Investment that attracts inward investment. Another important element in attracting inward investment is the ability to offer skills and skilled workers to those who wish to invest in Northern Ireland. For that reason, the second and third biggest uplifts in the Budget went to the Department of Enterprise, Trade and Investment and the Department for Employment and Learning, which had 3% and 3·5% increases respectively. Furthermore, if we are to attract industry, we need to have a better infrastructure, hence the additional money for the Department for Regional Development. The additional £250 million that we found and transferred from current expenditure to capital expenditure will also help to enhance our infrastructure.

The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff): Go raibh maith agat, a Cheann Comhairle. I welcome the allocation of £110 million to stadia

development, but I am concerned at the delays to date. Will the Minister provide more detail on the six-year approach that he referred to as part of a longer strategic approach?

I also welcome the fact that, in recognition of representations made during the consultation exercise, the Minister of Culture, Arts and Leisure has been given additional funding for libraries and the arts. If possible, I wish to hear more about that. For example, will it alleviate the pressure on Libraries NI and its proposals to close 10 rural libraries? Yesterday was World Book Day, and, in Fintona, County Tyrone, hundreds of people poured into a local meeting to fight for their local public library.

Mr Speaker: I encourage the Member to finish.

The Chairperson of the Committee for Culture, Arts and Leisure: Thank you.

11.45 am

The Minister of Finance and Personnel: As far as the profiling and the work on the stadiums is concerned, I said in my statement that the Minister would bring forward details of that fairly soon. I will leave that to him.

The Member raised the issue of allocations to libraries and the arts. A lot of people raised that during the consultation process, and the Member raised it during the debate, even though he ignored the figures that I had given him about how we had been much more generous to the Department of Culture, Arts and Leisure than they had been in the rest of the United Kingdom. At least he was honest and told the House that he ignored it because it did not suit his argument. I have not, however, ignored the results of the consultation. There will be another £2 million current expenditure and £2 million capital expenditure available for libraries over the four-year period. What impact that has on library closures or on a lot of the proposals that the Member has mentioned today and in previous speeches is up to the library authority. I cannot say in detail what the impact will be on the current proposals.

There was also substantial lobbying on the arts. During the Budget process, I tried to acquaint myself with the things that we spend money on. I went round schools, arts groups, museums and building projects and talked to people in all kinds of departments. Many people think of the arts as simply a picture hanging on a wall,

but it involves a lot of employment potential — especially tourist potential — in Northern Ireland. As a result of that, we have allocated £500 million — sorry, £500,000; did you see the smile on his face when I said that? We have allocated £500,000 in year 1 and £750,000 in each of the following three years for current spending and £200,000 in capital spending over that period as well. That is over £3 million of additional money allocated to the arts.

Mr Lyttle: Far be it from me to bring the debate back to the issues that actually matter to local people, but I ask the Minister to go into more detail about a definitive timescale for the delivery of a childcare strategy. What stage are we at in appointing a lead Department, and will the immediate actions that he refers to provide a solution for the numerous school-age childcare schemes across Northern Ireland that face an end to their funding at the end of this month?

The Minister of Finance and Personnel: There is £3 million in each of the four years for the childcare strategy. Some of that will be for immediate action in training people for childcare and in making facilities available in areas where there is great need. It is money that has been held centrally, and the strategy is being worked on. However, there will be immediate action from the £3 million that has already been made available.

Mr Beggs: I thank the Minister for his statement. There is much argument over percentage increases for health and social services, but could we just cut through that? Will the Minister tell us how much will be spent next year for each person on health and social services in Northern Ireland and how that compares to the amount being spent in other parts of the United Kingdom? That is the bottom line.

The Minister of Finance and Personnel: First of all, there is no argument. Percentages are easy to work out. You take the base figure that you are starting from; you look at the change; you put one over the other; you multiply by 100; and you get the percentage change. There is no argument about percentage change. It is easy enough to work out. I have given the Member the figures that have been worked out. Let me make it clear: there is no question about the percentages that I have given. The figures are there; they are available to be looked at. The calculations can be done, and they can be seen.

The Member asked how much money is spent on each person in Northern Ireland compared with other parts of the United Kingdom. I cannot give him a figure off the top of my head. I am not a walking encyclopaedia. The implication of his question is, “Why we do not spend more?”. I put that question back to him, as I do to every member of his party who has raised it time and time again. If more money is to be spent on health in Northern Ireland, where would the Ulster Unionist Party have it taken from? We tried to find extra money, we found extra money, and I have told the Assembly of the Executive’s commitment to the Health Service. However, we live within a Budget, 90% of which is handed down to us from Westminster. Therefore, his party has some responsibility for the amount of money that is handed down. If more money is to be spent, the Ulster Unionist Party should at least have the decency to tell us where it believes it should come from. If that party can identify where that money should come from and can make a cogent case for it to come from another area of the Budget to the Health Department, I would, of course, be happy to look at that. The insistent clamour for more money becomes tiresome. The Member referred to the responsibility of office — *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: That is exactly what those of us who have such responsibility have done. We — *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: The Minister of Health, Social Services and Public Safety is in the Ulster Unionist Party. For four years, he has overseen a Department that, we are now told, has reached the verge of bankruptcy. He refuses to do anything to retrieve that situation. The people who have taken responsibility for trying to help are from the parties in the Executive that have looked, first, at how we can get extra revenue and, secondly, at how we can allocate that extra revenue. That is why £189 million of additional money has been allocated to the Health Department in the final Budget.

Ms M Anderson: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. Many of us recognise that the Executive were faced with a choice of implementing the Tory cuts or finding a better way. I think — *[Interruption.]*

Mr Speaker: Order.

Ms M Anderson: I think that what was outlined today — *[Interruption.]*

Mr Speaker: Order.

Ms M Anderson: What was outlined today was some of the work that was done to at least improve on the money that came here. That said, I note that work is ongoing, and, if possible, I would like to — *[Interruption.]*

Mr Speaker: Order. Allow the Member to continue.

Ms M Anderson: I would like to tease out a bit more the proposal affecting out-of-town retail versus that in the city centre. I am interested in that and am keen to hear about it. That has been an ongoing issue for many Members since we came to the Assembly. The Minister’s statement referred to an extension to the rate relief scheme for small businesses that will allow more of them to avail themselves of it. He said that it would effectively double the number of businesses that currently qualify for the scheme. Does he have a rough estimate, based on doubling the current figures, of how many small businesses will benefit? What impact will that have on the out-of-town centres?

The Minister of Finance and Personnel: We intend to double the number of businesses that will come under the small business rate relief scheme. Off the top of my head, I cannot give the Member the number of businesses that are currently under the scheme. However, we believe that the extension will capture far more of the small businesses that reside, for the most part, in town centres. It will mean a welcome reduction in their overheads.

The extension to the scheme will be revenue-neutral, because we will raise the money from out-of-town shopping centres. As I said, that should not be unnecessarily damaging to those centres, because many of them have made very good profits, even throughout the current recession. Many of those profits do not stay in Northern Ireland, whereas any profit from small indigenous businesses run by people in Northern Ireland will stay in the country.

Mr McDavitt: At the beginning of his statement, the Minister took some time out to philosophise. He talked about this being a Budget for society. What sort of Sinn Féin/DUP society would bring forward a Budget that targets the poor and the most vulnerable, could put 9,000 public servants

on the dole, will close hospitals and classrooms and treats working mothers and young families as second-class citizens? What sort of Sinn Féin/DUP society is that?

The Minister of Finance and Personnel: The Member could have done better than that, especially since he read it out; it was obviously a prepared question. Usually, if you prepare a question, you can make a better fist of it than that.

Let us have a look at some of the things he said. He asks what sort of society puts public service workers on the dole. First, this Budget, by freezing wages in excess of £21,000 and putting a freeze on recruitment, saves hundreds of public sector jobs. I know that the SDLP — *[Interruption.]*

Mr Speaker: Order. Allow the Minister to answer

The Minister of Finance and Personnel: Secondly, the Member alleges that the Budget hurts children in classrooms. Has he not listened to me? We have given £114 million of additional money to the Department of Education in current spending and £40 million in capital. As far as helping the poor is concerned, in this Budget there will be £100 million in the social investment and social protection funds. What more does the Member want? On top of that, we have put money into the Employment and Learning budget to help people who are going to have to transfer from welfare to work. There is an additional sum — I cannot remember the precise figure — of about £20 million-odd.

The Member wonders “what kind of society” and alleges that it is the DUP and Sinn Féin. If this were purely a DUP and Sinn Féin proposal, I would be proud of what we have done for schools, the poor, the unemployed and those who work in the public sector. At least we have made some efforts to alleviate the impact of the Ulster Unionist Party cuts on those people.

Mr McCarthy: I very much welcome the statement and the increase in funding for the arts and libraries. The Minister has obviously listened to the consultation.

I welcome the extra £107 million for the Department for Regional Development. I make this plea: I look forward to a vast improvement in the roads in the Strangford constituency, particularly those on the Ards Peninsula. I see the Minister nodding his head. We are going to get it; that is excellent. *[Interruption.]*

Mr Speaker: Allow the Member to be heard.

Mr McCarthy: As party spokesperson on health, I was astounded to hear the Finance Minister say that the Health Minister had refused to look at any methods of raising revenue for his Department. Does the Finance Minister agree with me that greater efficiencies in the Health Department can be made if things are done differently and if there is greater focus on prevention and keeping people out of hospital?

Mr Speaker: I encourage the Member to finish.

Mr McCarthy: Therefore, the health budget would go further.

The Minister of Finance and Personnel: It is not just me who says that there are things that could be done better. The Health Minister commissioned a £330,000 report, which he received five months ago. It identifies £5 million worth of savings per month that could be obtained. However, he has decided that he is not going to take action. To date he has taken no action on that, and there is no implementation plan for those savings.

As far as the Member's comments on arts and libraries go, I am sure that he will have it in the ‘Newtownards Chronicle’ this week that I have responded to the impassioned pleas that he has made. I know that another Member for Strangford will be raging that — *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: — that Mr McCarthy raised the issue of potholes in the roads before he did. The Members for Strangford — I have heard Mr McNarry at it as well — seem to take great interest in the holes in the roads in the constituency. However, I hope that, as a result of this, Mr McNarry will identify the holes in the roads better than he used to identify the holes in the Budget. I am sure that the Regional Development Minister will have listened to Mr McCarthy's impassioned plea and that we will see an improvement in the roads in the Strangford constituency.

Adjourned at 11.59 am.

Written Ministerial Statement

The content of this written ministerial statement is as received at the time from the Minister. It has not been subject to the official reporting (Hansard) process.

Written Ministerial Statement

The content of this written ministerial statement is as received at the time from the Minister. It has not been subject to the official reporting (Hansard) process.

Health, Social Services and Public Safety

Craigavon Area Hospital: Clinical Practices

Published on Monday 21 February, 2011

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I wish to make a statement to the Assembly following the recent allegations over unsafe clinical practices at Craigavon Area Hospital.

Specifically it has been alleged that X-rays are not being reported by appropriately trained staff and that outpatient reviews are being arranged on the basis of patients names, with appointments assigned to patients in alphabetical order.

I take all legitimate concerns very seriously. It is my priority to ensure that everyone receiving health and social care are provided with safe, high quality services they deserve.

Following extensive negative media coverage last Thursday, I held an urgent meeting with Mairead McAlinden, Chief Executive of the Southern Trust and John Compton, Chief Executive of the Health and Social Care Board.

The purpose of this meeting was to clarify the situation and seek assurances that these allegations were unfounded.

I have been assured that these claims are unsubstantiated and have only served to cause unnecessary public anxiety.

Let me confirm the current position. In the Southern Trust as in other Trusts, X-rays are seen and assessed by the appropriate clinician and are reported on in accordance with national guidance.

However I am aware of pressures in radiology that has resulted in some delays in reporting. All Trusts are acting to ensure that they are doing what is possible to minimise delays.

I am taking this matter very seriously and have asked RQIA to conduct a review on the reporting and handling of X-rays. I will receive RQIA's initial report before the end of March and I will take action to address the priority issues that are identified.

On the matter of outpatient appointments, the Southern Trust has advised me that it is simply not the case that people are given appointments on the basis of alphabetical order. Rather, patients have outpatient appointments arranged according to their clinical priority. This is determined by the clinician in charge of their care.

It is the right of any clinical staff to raise concerns publicly. But it is their responsibility to first exhaust all internal mechanisms for raising those concerns.

It is both concerning and disappointing that a very small number of staff within the health service may choose to raise concerns through the media rather than use the systems that are in place in their workplace.

There are robust arrangements within Health and Social Care that ensure any staff that have concerns about patient safety have ways of bringing them to the attention of senior staff.

These systems have been put in place specifically to allow staff to raise issues and be assured that action will be taken.

It is true that there are lengthy waits for some outpatient appointments, particularly for review or follow-up appointments.

This is unacceptable. That is why the Board and Trusts have been set a target to ensure that by

March next year, all patients need to be seen within the timescale that has been determined by their clinician. I expect all trusts to achieve this standard.

To help achieve the challenging targets which have been set, I have invested in outpatient services. Last year, I provided £7.3 million with a further £6.3 million this year to improve waiting times for outpatient services.

No-one can have failed to notice that waiting times for a vast range of services have continued to rise over the past year. There are some specialities in which we know demand has been high and there ongoing difficulties meeting targets for both new and review appointments.

We need to act to ensure the capacity of Trusts can meet the real and justifiable level of demand. This is the Board's responsibility and I expect them to work with trusts to provide the capacity needed to improve waiting times for all patients.

I would also appeal to patients to do all they can to attend hospital appointments. Any person who is unable to attend should let the clinic know. By not attending, people are denying others the opportunity to be seen at a hospital clinic.

Increasing waiting times should not come as a surprise to anyone. I have warned time and again that cuts to the health budget could only impact on the delivery of services. The fact is that cuts to my budget can be directly linked to the continued increase in waiting times. With the prospect of further severe cuts, this situation will only get worse.

There is no doubt that the health service is facing significant and increasing pressure. Staff are stretched to their limits as they strive to meet rising demand and continue to provide high quality care to services.

I have met with staff and realise the pressures they are facing. At the same time, they have also had to contend with a constant barrage of negative media coverage which has left many feeling demoralised.

Increased pressures and limited funding had made this a very difficult time for health and social care staff. We are all indebted to the commitment and dedication of staff across health and social care. For them to also have to

deal with people calling their professionalism and integrity into question is deplorable.

Instead of using the health and social care service as a political football, I would again appeal to this Assembly and to the public to stand by our health and social care service. It is something which everyone should value, respect and protect.

The founding principles of the NHS are cradle to the grave healthcare, free at the point of delivery – we must all decide whether this is worth fighting for.

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 February 2011

Written Answers to Questions

Office of the First Minister and deputy First Minister

Presbyterian Mutual Society Savers

Mr C Lyttle asked the First Minister and deputy First Minister, given the number of older and infirm savers in the Presbyterian Mutual Society, what steps the Executive has taken to address the urgent and immediate needs of these savers; and when proposals will be forthcoming to solve this issue.
(AQW 2865/11)

First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness): Since the PMS went into administration in the autumn of 2008, Ministers have worked tirelessly to seek to resolve this matter.

This has involved difficult and complex negotiations with a number of stakeholders. Considerable progress has now been made and it would appear that a satisfactory end is in sight.

Resources have been secured from the Treasury in the form of a £175 million loan and a £25 million contribution to a Mutual Access Fund. The Executive's draft budget also includes provision for the Executive's contribution to the Mutual Access Fund. The money will be available in financial year 2011/12.

The Executive has also now agreed a scheme which it is hoped will resolve the matter in a satisfactory manner.

A number of outstanding issues remain but it is hoped these can be resolved in the coming weeks which will allow for payments to be made early in the new financial year 2011/12.

As part of the solution it is hoped that PMS members with less than £20,000 will receive most, if not all, of their money back.

Ministerial Subcommittee on Children and Young People

Ms D Purvis asked the First Minister and deputy First Minister whether they will consider making an examination of approaches to children's budgeting a priority work area for the Ministerial Subcommittee on Children and Young People.
(AQW 3810/11)

First Minister and deputy First Minister: Since the delivery of services to children is a cross-cutting issue, it is intended to discuss children's budgeting at the next meeting of the Ministerial Sub-Committee on Children and Young People, with particular reference to the National Assembly of Wales' Committee for Children and Young People paper on children's budgeting. Ministers will discuss approaches to children's budgeting at this time.

Maze/Long Kesh

Mrs D Kelly asked the First Minister and deputy First Minister, in light of the allocation of £21.38m to the Maze/Long Kesh site in their Department's Budget and Savings Plans 2011-15, whether any

additional money would be required if the bid for EU funding for a Peace and Conflict Resolution Centre was successful; and if so, how much additional money would be needed.

(AQW 3853/11)

First Minister and deputy First Minister: The £21.38m is a four year capital allocation for the Maze/Long Kesh site which will ensure the completion of the remediation work, and allow the work to start to provide internal and external transport infrastructure and utilities, vital to underpin investment.

Development of the Peace Building and Conflict Resolution Centre is at a very early stage therefore the costs are at present estimated. The total project cost is estimated at £20.7m made up of £18.2m (€20m) being sought from PEACE III Programme and an investment of £2.5m being sought from the Heritage Lottery Fund.

The Peace Building and Conflict Resolution Centre will be income generating primarily from rental of space, and from visitors and event fees. It is assessed that as demand grows by year 5 it would have the potential to operate at a surplus. Whilst this may be ambitious in terms of timescale, income to the Peace Building and Conflict Resolution Centre is expected to over time allow the Centre to be self-sustaining. Initially, over the first four years of operation (2014/15 - 2017/18) some £0.5m pa may be required from OFMDFM to supplement the income generated by the Centre to meet its anticipated operating costs, and for which funding exists in 2014/15 of this budgetary period.

Presbyterian Mutual Society

Mr D Kinahan asked the First Minister and deputy First Minister when they expect to have clarity on the EU's position on the Presbyterian Mutual Society financial package.

(AQW 3957/11)

First Minister and deputy First Minister: The European Commission states that the time needed to arrive at a decision on State Aid depends on many factors, including the complexity of the case. The Department of Enterprise, Trade and Investment (DETI) is working closely with the UK Permanent Representatives Office in Brussels, the Department of Business Innovation and Skills and HM Treasury to ensure that the process is as short as possible. Precise timings will become clearer as DETI works through the State Aid process.

Presbyterian Mutual Society

Mr D Kinahan asked the First Minister and deputy First Minister when the Executive will make a final decision on funding for the Presbyterian Mutual Society.

(AQW 3958/11)

First Minister and deputy First Minister: The Executive's Draft Budget, agreed on 15 December 2010, contains provision for the funding of the proposed solution to the Presbyterian Mutual Society.

Once all the necessary and detailed legal and regulatory work has been finalised, the scheme will require Assembly agreement. We are aiming to make payments under the Mutual Access Fund by late April or May 2011 at the earliest. The loan element of the package is also subject to EU State Aid approval.

Water Shortage Crisis

Mr D O'Loan asked the First Minister and deputy First Minister, in the light of the BBC news report regarding Philip Holder's previous application to become chair of NI Water, whether they will suspend the review into the Department for Regional Development's handling of the NI Water crisis and make new arrangements for its recommencement.

(AQW 3961/11)

First Minister and deputy First Minister: We refer the Member to the answer to AQW 3977/11 dated 11 February 2011.

Sustainable Development Implementation Plan

Mr P McGlone asked the First Minister and deputy First Minister how they intend to bring forward the Sustainable Development Implementation Plan after the funding provided for the Sustainable Development Commission ends in March 2011.

(AQW 4009/11)

First Minister and deputy First Minister: The design, and the subsequent delivery, of the objectives included in the Sustainable Development Implementation Plan were never dependent upon the existence of the Sustainable Development Commission.

Since taking responsibility for sustainable development, we have sought to create an effective policy foundation upon which its sustainability plans can be built. In this respect the Sustainable Development Commission has provided valuable assistance.

As our sustainability agenda progresses, it is necessary that we put in order arrangements that will facilitate the transition from 'policy' to 'delivery'. Our Implementation Plan does this by placing responsibilities upon all Departments to act co-operatively and collaboratively in the delivery of the priorities and objectives which are clearly expressed in the Executive's Sustainable Development Strategy. We will take the leading role in assuring the delivery of these objectives.

Maze/Long Kesh

Mrs D Kelly asked the First Minister and deputy First Minister to detail the (i) type; and (ii) level of contamination found on the Maze/Long Kesh site.

(AQW 4050/11)

First Minister and deputy First Minister: The primary contaminants at the Maze/Long Kesh site are:

- hydrocarbons associated with the spillage and loss of heating and fuel oils;
- asbestos which was present in relatively small quantities within waste materials used to infill three former sand extraction 'quarries';
- lead

The levels of contamination across the site are extremely variable. Hydrocarbon contamination for example is present at relatively high levels close to historical sources such as fuel tanks associated with the site's past use as an airfield, army base and prison, but reduce significantly within a short distance from the 'source'. The majority of the site has not been affected by the contamination. Current remediation works are addressing these issues to bring the levels of contamination within acceptable levels in line with legislation and as agreed with the NIEA Regulator and Local Authority.

Development Corporation for the Maze/Long Kesh Site

Mrs D Kelly asked the First Minister and deputy First Minister how and when the Development Corporation for the Maze/Long Kesh site will be established.

(AQW 4052/11)

First Minister and deputy First Minister: The selection of the Chair and members of the Development Corporation will be determined by a public appointment process. Development Corporation staff will be appointed by the Development Corporation Board by secondment and public advertisement where necessary. It is hoped that the Development Corporation will be operational by summer 2011 depending on the availability of the individuals selected.

Training Courses

Mr T Burns asked the First Minister and deputy First Minister to detail (i) the number of training courses which members of staff from their Department have attended overseas in each of the last five years; (ii) the names of the course/purpose of the training; (iii) when the courses took place; (iv) the duration of each course; (v) how many members of staff took part in each course; (vi) the grade and branch of each member of staff who took part; (vii) in which country the courses took place (excluding the UK and Republic of Ireland); (viii) the cost of fees for each course and each individual attendee; (ix) the travel expenses incurred by each attendee of each course; (x) the accommodation costs incurred by each attendee of each course; and (xi) the specific name and location of places where each attendee stayed during their travel and attendance on each course.

(AQW 4073/11)

First Minister and deputy First Minister: The information requested is detailed in the table below.

OVERSEAS TRAINING COURSES

Year	No. of training courses attended	Name and purpose of course	When courses took place	Duration of course	Number of staff on each course	Grade and branch	Country	Cost of fees for each attendee	Travel expenses incurred by each attendee	Accommodation Costs	Name and location of accommodation for each attendee
2010/2011 to date	0										
2009/2010	1	Leaders for Tomorrow	Jan 2010	2 weeks	1	Staff Officer European Policy & Co-ordination Unit	USA	£7847	£705	Campus accommodation charges for this programme were included in the fees	Campus Accommodation - Soldiers Field Park Apartments, Harvard Business School, Cambridge MA
2008/2009	2	Leadership in a Changing World	November 2008	1 week	1	Grade 5 Office of the NI Bureau Washington	USA	£5375	£200 approx.	Campus accommodation charges for this programme were included in the fees	Campus Accommodation - Soldiers Field Park Apartments, Harvard Business School, Cambridge MA

Year	No. of training courses attended	Name and purpose of course	When courses took place	Duration of course	Number of staff on each course	Grade and branch	Country	Cost of fees for each attendee	Travel expenses incurred by each attendee	Accommodation Costs	Name and location of accommodation for each attendee
		Leaders for Tomorrow	Jan/Feb 2009	3 weeks	1	DP - Equality Directorate	USA	£7250	£1256	Campus accommodation charges for these programmes were included in the fees	Campus Accommodation - Soldiers Field Park Apartments, Harvard Business School, Cambridge MA

Year	No. of training courses attended	Name and purpose of course	When courses took place	Duration of course	Number of staff on each course	Grade and branch	Country	Cost of fees for each attendee	Travel expenses incurred by each attendee	Accommodation Costs	Name and location of accommodation for each attendee
2007/2008	3	Leaders for Tomorrow	January 2007	3 weeks	1	Staff Officer – Corporate Services	USA	£6368	£589	Campus accommodation charges for this programme were included in the fees	Campus Accommodation - Soldiers Field Park Apartments, Harvard Business School, Cambridge MA
		Leadership in a Changing World	July 2007	1 week	2	Grade 5 – Office of the Legislative Council Grade 5 – Executive Information Service	USA	£3823 £3823	£1561 £508	Campus accommodation charges for these programmes were included in the fees	Campus Accommodation - Soldiers Field Park Apartments, Harvard Business School, Cambridge MA

Year	No. of training courses attended	Name and purpose of course	When courses took place	Duration of course	Number of staff on each course	Grade and branch	Country	Cost of fees for each attendee	Travel expenses incurred by each attendee	Accommodation Costs	Name and location of accommodation for each attendee
2006/2007	4	Leadership in a Changing World	November 2006	1 week	3	Grade 5 - Office of the NI Bureau, Washington	USA	£4243	None	Campus accommodation charges for these programmes were included in the fees	Campus Accommodation - Soldiers Field Park Apartments, Harvard Business School, Cambridge MA
						Grade 5 -Corporate Services		£4243	£1900		
						Grade 5 - Economic Policy Unit		£4243	£1809		
		Leadership for a Democratic Society	July/ August 2006	4 weeks	1	Grade 5 – Office of the Legislative Council	USA	£6784	£2344	Campus accommodation charges for this programme were included in the fees	Campus Accommodation – Federal Executive Institute, 1301 Emmet Street, Charlottesville, VA 22903

Draft Childcare Strategy

Ms D Purvis asked the First Minister and deputy First Minister when they will present the economic appraisal options for the draft Childcare Strategy to the Executive.

(AQW 4154/11)

First Minister and deputy First Minister: We hope to bring a paper, relating to the policy and economic appraisal report on Childcare, to the Executive before the end of March this year.

This paper will outline the report's key findings and once a way forward is agreed the next phase of the work, on the development of a Childcare Strategy, will begin.

It is our intention that a lead department for this policy area would be identified shortly by the Executive and that the childcare strategy would be developed with lead from that department, in collaboration with the relevant Ministerial Sub-Committee and the Child Poverty sub-group.

Investigation into NI Water

Mr J Dallat asked the First Minister and deputy First Minister to detail the cost of (i) the Independent Review Team's report into NI Water; (ii) the Phil Holder and Heather Moorehead investigation, to date; (iii) the Information Commissioner's Office investigations into breaches of FOI and matters related to complaints made against the Chief Executive of NI Water; and (iv) Sir John Shortridge's report.

(AQW 4156/11)

First Minister and deputy First Minister: An Independent Review Team undertook a review of procurement governance issues within NI Water and reported in February 2010. The cost of the Independent Review Team's report is a matter for the Minister for Regional Development.

Mr Philip Holder and Ms Heather Moorhead will be paid a fee for their work as part of the current investigation into NI Water's handling of the recent major interruption to water supplies. This will be paid upon completion of the Review. No fees have been paid to date.

Costs incurred by the Information Commissioner's Office are a matter for the Information Commissioner.

In terms of the costs incurred to date in relation to the Sir Jon Shortridge report, we refer the Member to the answer provided to AQW 3767/11.

Funding

Mr P Butler asked the First Minister and deputy First Minister for a breakdown of the funding their Department has provided to the (i) Commissioner for Children and Young People; (ii) Human Rights Commission; and (iii) Equality Commission, in each of the last five years.

(AQW 4226/11)

First Minister and deputy First Minister: The breakdown of funding for the Commissioner for Children and Young People and the Equality Commission is as follows:

COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

2006	£1,858,008
2007	£1,909,685
2008	£1,867,605
2009	£1,790,275
2010	£1,868,129

EQUALITY COMMISSION FOR NORTHERN IRELAND

2006	£7,064,545
2007	£6,983,926
2008	£7,037,243
2009	£7,259,646
2010	£7,359,607

OFMDFM does not fund the Human Rights Commission. It is funded by the Northern Ireland Office. Details of funding for the Human Rights Commission are available on the organisation's website: <http://www.nihrc.org>.

Consultation Documents

Mr P J Bradley asked the First Minister and deputy First Minister to list the number and titles of all the consultation documents issued by their Department since May 2007.

(AQW 4250/11)

First Minister and deputy First Minister: Our Department has issued 17 consultation documents since May 2007. The titles of these consultations are provided in the table below.

NO.	NAME OF CONSULTATION
1	Review of the NI Civic Forum
2	OFMDFM Disability Action Plan
3	Consultation on Proposals for Implementing EU Directive 2004/113/EC (Gender Goods and Services)
4	Consultation on Strategy for Victims and Survivors
5	Disability Discrimination (Transport Vehicles) Regulations (Northern Ireland)
6	Consultation on a Victims and Survivors Service
7	Draft EQIA carried out at a strategic level on Programme for Government, Budget and Investment Strategy
8	Consultation to Children and Young People groups and with Children and Young people on United Nations Convention Rights of the Child – Concluding Observations – Priorities for Action
9	Consultation on the Sustainable Development Strategy
10	Consultation on establishing an Older Peoples Commissioner
11	Review of the Default Retirement Age – Call to Business for Evidence (Department of Business, Innovation & Skills consultation) – links inserted on OFMDFM website and organisations here invited to submit evidence
12	Public Assemblies, Parades and Protests in Northern Ireland
13	Consultation on the Child Poverty Strategy 2010
14	Consultation on the Programme for Cohesion, Sharing and Integration
15	Consultation on the Sustainable Development Implementation Plan
16	Consultation on the Play and Leisure Implementation Plan
17	OFMDFM Draft Budget Spending Priorities and Savings Plans

Executive Working Group

Ms D Purvis asked the First Minister and deputy First Minister for an update on the progress of the Executive Working Group on issues outstanding from the St Andrews Agreement, including (i) which issues were identified by the Working Group as outstanding; (ii) what recommendations were made on progressing these issues; and (iii) what progress has been made on addressing each issue.

(AQW 4288/11)

First Minister and deputy First Minister: Work is ongoing to prepare a draft report for consideration and agreement by the St Andrews Agreement Working Group which will include draft recommendations on how progress could be made on those matters within the St Andrews Agreement which the Working Group has identified as not being faithfully implemented or actioned.

In line with the Hillsborough Castle Agreement, the Working Group will forward its report, when agreed, to us for consideration.

Draft Racial Equality Strategy

Ms D Purvis asked the First Minister and deputy First Minister when the draft Racial Equality Strategy will be published.

(AQW 4289/11)

First Minister and deputy First Minister: Work has commenced to develop a new Strategy to replace “A Racial Equality Strategy for Northern Ireland 2005-2010”. The Racial Equality Panel considered the issue on 17 February 2011.

We consider that the six shared aims set out in the original Racial Equality Strategy are robust and comprehensive and that the section concerning the “Scale of the challenge” in the Strategy is as relevant now as ever before, although we remain open to suggestions as to how we might strengthen these six shared aims.

We are committed to developing the new Strategy through a partnership process with minority ethnic groups and the wider community, as was the case with the original Strategy. We would hope to publish a draft of the Strategy towards the end of 2011, with a view to the draft going to the Committee in March or April 2012 and to the Executive in April or May 2012 for final approval.

Older People’s Advocate

Mr P Butler asked the First Minister and deputy First Minister when the budget for the Office of the Older People’s Advocate is likely to be agreed.

(AQW 4345/11)

First Minister and deputy First Minister: The Older People’s Advocate was appointed as an independent adviser to us and has been in post from 3 December 2008. The budget for the Older People’s Advocate is managed centrally by OFMDFM, and for the current financial year is likely to be in the region of £180k.

Department of Agriculture and Rural Development

Rural Development Programme

Mr P Frew asked the Minister of Agriculture and Rural Development whether she will consider measures to provide training through the Rural Development Programme at an increased grant rate of 100 per cent, as opposed to the current grant rate of 50 per cent for individuals and businesses and 75 per cent for not-for-profit organisations.

(AQW 3848/11)

Minister of Agriculture and Rural Development (Ms M Gildernew): I am interpreting this question to refer to Axis 3 of the Rural Development Programme as farm family members can currently access vocational training under measure 1.1 at an aid intensity of up to 70%.

Under Axis 3, support for training observes the important principal set out in current Department of Finance and Personnel guidance that there must be at least £1 private sector investment for every £1 of government assistance and that whatever the sector being assisted, public funding should generally represent the minimum assistance necessary.

Substantial easement is offered to voluntary sector organisations allowing an aid intensity of up to 75%.

Office Facilities

Mr P McGlone asked the Minister of Agriculture and Rural Development (i) what assessment has been made of the availability of office facilities in relation to the decentralisation of her Department to the Mid-Ulster area; (ii) what plans there are to make best use of this accommodation; and (iii) what is the timescale for the implementation of these plans.

(AQW 3866/11)

Minister of Agriculture and Rural Development: No decision has yet been taken as to the precise location of the proposed new DARD headquarters. The proposal has my personal commitment because I consider it time that Government was more proactive in decentralising its functions into rural areas, particularly West of the Bann.

A project team will consider location as part of its remit, including the availability of suitable facilities and how these might best be utilised to meet our accommodation needs. The project will be subject to the Executive's usual requirements in respect of business cases and procurement. It is anticipated that the new headquarters building will not be completed until around 2015/16.

Children and Young People's Action Plan

Mr G Robinson asked the Minister of Agriculture and Rural Development, pursuant to AQW 3593/11, what engagement her Department has had with groups within the Limavady Borough Council area in relation to the Children and Young People's Action Plan.

(AQW 3931/11)

Minister of Agriculture and Rural Development: Although there was no direct engagement with children and young people in the Limavady Council area, as stated in my previous answer, our draft action plan was issued to, amongst other organisations, Action for Children, Children in NI, the NI Youth Forum and Youth Action NI. These organisations work with children and young peoples' groups throughout the whole of the north of Ireland in providing support and providing them with a voice to have their opinions heard.

DARD is the first Department to develop its own Children & Young People's Action Plan and I would reiterate that this Plan is a 'living document'. We are keen to engage with children and young people in all areas of the north throughout the lifetime of the Plan to ensure that we continue to meet their needs. This will involve further meetings with children and young people's groups / representative organisations and we welcome the opportunity to meet with these groups in the future.

National Register of Trees of Special Interest

Mr P Weir asked the Minister of Agriculture and Rural Development what plans her Department has to create a statutory national register of trees of special interest.

(AQW 3965/11)

Minister of Agriculture and Rural Development: My Department does not plan to create a statutory national register of trees of special interest. Forest Service remit is to deliver forest policy through implementation of our forestry strategy and to this extent Forest Service maintains an accurate inventory of the woodland it manages and has comprehensive records of woodland established under

its grant schemes. The Agency is establishing baseline data of woodland cover and type in the north of Ireland using other available woodland information to provide more comprehensive data.

This work has commenced and, in accordance with the Forestry Act (NI) 2010, it is my intention that it will lead to the publication of a woodland register containing information in relation to the location, size of woodlands and types of trees contained within them. As envisaged in the Forestry Act, the register will be published at intervals not exceeding 10 years.

On-Farm Inspections

Mr D Kinahan asked the Minister of Agriculture and Rural Development how many on-farm inspections have taken place in each (i) parliamentary constituency; and (ii) county in each of the last five years. **(AQW 4024/11)**

Minister of Agriculture and Rural Development:

- (i) My Department does not hold the information requested by parliamentary constituency.
- (ii) I am committed to improving the efficiency of the services delivered by my Department, and reducing any unnecessary regulatory burden. My Department has taken steps, on a pilot scale, to organise and synchronise farm visits and tests where it is legally and practically possible to do so.

However, my Department is required to complete a wide range of on-farm inspections in discharging its duty to apply legislative controls for land based EU schemes and Quality assurance compliance.

Tables 1 to 5 summarise the number of on-farm inspections for Single Farm Payment (SFP) Land Eligibility, Less Favoured Area Compensatory Allowances (LFACA) Scheme and Agri-environment Schemes which have taken place in each county over the last five years. Agri-environment scheme inspections include Environmentally Sensitive Areas Scheme, Countryside Management Scheme and Organic Farming Scheme.

My Department does not hold the number of on-farm Quality Assurance inspections broken down by county; therefore Table 6 shows the annual totals for these inspections for the last five years. Quality Assurance inspections include Plant health inspections; Egg Marketing inspections and registrations (including additional Primary Hygiene inspections); Primary Producer Hygiene including Cross-Compliance (Food and Feed) and Home Mixer inspections.

TABLE 1 ON-FARM INSPECTIONS IN 2006

Inspection	Antrim	Armagh	Derry	Down	Fermanagh	Tyrone
SFP Land Eligibility, LFACA and Agri-Environment	494	223	367	461	317	599

TABLE 2 ON-FARM INSPECTIONS IN 2007

Inspection	Antrim	Armagh	Derry	Down	Fermanagh	Tyrone
SFP Land Eligibility, LFACA and Agri-Environment	472	270	322	405	271	601

TABLE 3 ON-FARM INSPECTIONS IN 2008

Inspection	Antrim	Armagh	Derry	Down	Fermanagh	Tyrone
SFP Land Eligibility, LFACA and Agri-Environment	476	291	446	489	353	589

TABLE 4 ON-FARM INSPECTIONS IN 2009

Inspection	Antrim	Armagh	Derry	Down	Fermanagh	Tyrone
SFP Land Eligibility, LFACA and Agri-Environment	483	294	425	498	344	654

TABLE 5 ON-FARM INSPECTIONS IN 2010

Inspection	Antrim	Armagh	Derry	Down	Fermanagh	Tyrone
SFP Land Eligibility, LFACA and Agri-Environment	405	259	269	460	409	637

TABLE 6 TOTAL QUALITY ASSURANCE INSPECTIONS 2006 – 2010

Year	Total Quality Assurance inspections
2006	6576
2007	6972
2008	6690
2009	7341
2010	6992

Cost of Farm Inspections

Mr D Kinahan asked the Minister of Agriculture and Rural Development for an estimate of or the actual total cost of farm inspections carried out in each (i) parliamentary constituency; and (ii) county in each of the last five years.

(AQW 4026/11)

Minister of Agriculture and Rural Development: My Department is required to complete a wide range of on farm inspections in discharging its duty to apply legislative controls for land based EU schemes and quality assurance compliance. The staff in my Department who carry out inspections is a flexible workforce operating within the whole area of the north. Therefore Table 1 provides estimated costs for inspections for each of the past five years for the total area within which they work throughout the region, and is neither broken down by parliamentary constituency nor by county. The inspections included in these estimated totals are Single Farm Payment (SFP) Land Eligibility, Less Favoured Area

Compensatory Allowances (LFACA), Agri-environment (AE), and Quality Assurance (QA). The estimated costs are based on ready reckoner full staff costs.

TABLE 1. ESTIMATED COST OF ON FARM INSPECTIONS CARRIED OUT BY DARD IN RELATION TO LEGISLATIVE CONTROLS FOR SINGLE FARM PAYMENT SCHEME (SFP), LESS FAVOURED AREAS ALLOWANCE SCHEME (LFACA), AGRI-ENVIRONMENT SCHEMES (AE) AND QUALITY ASSURANCE COMPLIANCE (QA)

Year	Estimated Cost of Farm Inspections (£)
	SFP, LFACA, AE and QA
2006	1,239,006
2007	1,369,073
2008	1,468,512
2009	1,597,769
2010	1,865,983

Farm Businesses

Mr D Kinahan asked the Minister of Agriculture and Rural Development how many farm businesses there are in each (i) parliamentary constituency; and (ii) county.

(AQW 4027/11)

Minister of Agriculture and Rural Development: Based on the data held by the Department, the breakdown of farm businesses by (i) parliamentary constituency and (ii) county is as follows:

(I) PARLIAMENTARY CONSTITUENCY

Belfast East	123
Belfast North	70
Belfast South	145
Belfast West	36
East Antrim	1486
East Derry	2945
Fermanagh and South Tyrone	6813
Foyle	376
Lagan Valley	2181
Mid Ulster	5107
Newry and Armagh	5306
North Antrim	4308
North Down	281
South Antrim	1967
South Down	4637
Strangford	1864

Upper Bann	1602
West Tyrone	5088

(II) COUNTY

Antrim	9214
Armagh	6226
Down	9696
Fermanagh	5060
Derry	6109
Tyrone	10057

These figures do not provide absolute precision. Parliamentary constituency data is not automatically held against each farm business record on the Grants and Subsidies computer system. This data is therefore derived from the postcode held against each farm business when matched against data taken from the Electoral Office for NI (EONI). If postcodes are missing, incomplete or inaccurate then this may cause some inaccuracy.

Ultravac Vaccine

Mr P Frew asked the Minister of Agriculture and Rural Development, given the threat posed by Botulism during the Spring months, when the Ultravac vaccine will be made available.

(AQW 4057/11)

Minister of Agriculture and Rural Development: On 1st February the Veterinary Medicines Directorate (VMD) issued a press release announcing the approval of two new vaccines, Ultravac Botulinum from Pfizer Animal Health (Australia) and Botulism Vaccine from Onderstepoort Biological Products Ltd (South Africa).

These two vaccines are now approved for veterinarians to import them under the VMD's Special Treatment Certification scheme. VMD has recognised that there has been a supply problem and to help address that has made it possible for a veterinarian to use these products once the necessary import certificate has been obtained.

Officials in the Agri-Food and Biosciences Institute (AFBI) have been in regular contact with Pfizer and have now also made contact with Onderstepoort Biological Products Ltd. Pfizer are currently working to sort out supply issues and the logistics of importing. We understand that Onderstepoort are trying to appoint a distributor but in the meantime they are prepared to ship vaccine to individual veterinary surgeons. They do not appear to have a supply problem.

While I cannot say when the current distribution issues will be resolved, individual veterinary surgeons should now be able to order the vaccine directly from a manufacturer.

Training Courses

Mr T Burns asked the Minister of Agriculture and Rural Development to detail (i) the number of training courses which members of staff from her Department have attended overseas in each of the last five years; (ii) the names of the course/purpose of the training; (iii) when the courses took place; (iv) the duration of each course; (v) how many members of staff took part in each course; (vi) the grade and branch of each member of staff who took part; (vii) in which country the courses took place (excluding the UK and Republic of Ireland); (viii) the cost of fees for each course and each individual attendee; (ix) the travel expenses incurred by each attendee of each course; (x) the accommodation costs incurred by

each attendee of each course; and (xi) the specific name and location of places where each attendee stayed during their travel and attendance on each course.

(AQW 4074/11)

Minister of Agriculture and Rural Development: The details on overseas training courses for staff from the Department of Agriculture and Rural Development are attached at Annex A.

Training has been provided to professional staff to allow them to maintain and enhance knowledge and experience in their specialist field.

Training has also been provided to staff in senior management posts to allow them to apply leadership skills and to work at a strategic level going forward.

The Leaders for Tomorrow programme, which a small number of staff attended each year, is no longer funded due to budget constraints.

Information has been provided at Directorate level as Branch level may identify individual members of staff.

[SEE OVERLEAF]

APPENDIX A

Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11
Number of Training courses which DARD staff have attended overseas in each of the last 5 years	Name of the course/ purpose of the training	When course took place	Duration of each course	How many members of staff took part on each course	The grade and branch of each member of staff who took part	In which country the courses took place (excluding UK & ROI)	The cost of fees for each course and each individual attendee	The travel expenses incurred by each attendee of each course	The accommodation costs incurred by each attendee of each course	The specific name and location of places where each attendee stayed during their travel and attendance on each course
2006/07 (1 course)	Leaders For Tomorrow – leadership development for middle management	14/1 - 3/2/07	3 weeks	1	DP Service Delivery Group	USA	£6,368	£427	Campus accommodation charges for this programme were included in the fees.	Campus Accommodation Soldiers Field Park Apartments, Harvard, Cambridge MA
	Leaders For Tomorrow - leadership development for middle management	14/1 - 3/2/07	3 weeks	1	DP Central Services Group	USA	£6,368	£427	Campus accommodation charges for this programme were included in the fees.	Campus Accommodation Soldiers Field Park Apartments, Harvard, Cambridge MA
	Leaders For Tomorrow - leadership development for middle management	14/1 - 3/2/07	3 weeks	1	SO Central Policy Group	USA	£6,368	£427	Campus accommodation charges for this programme were included in the fees.	Campus Accommodation Soldiers Field Park Apartments, Harvard, Cambridge MA

Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11
Number of Training courses which DARD staff have attended overseas in each of the last 5 years	Name of the course/purpose of the training	When course took place	Duration of each course	How many members of staff took part on each course	The grade and branch of each member of staff who took part	In which country the courses took place (excluding UK & ROI)	The cost of fees for each course and each individual attendee	The travel expenses incurred by each attendee of each course	The accommodation costs incurred by each attendee of each course	The specific name and location of places where each attendee stayed during their travel and attendance on each course
2007/8 (4 courses)	Leaders For Tomorrow - leadership development for middle management	27/1 - 14/2/08	3 weeks	1	DP Central Policy Group	USA	£5,817	£608	Campus accommodation charges for this programme were included in the fees.	Campus Accommodation Soldiers Field Park Apartments, Harvard, Cambridge MA
	Leaders For Tomorrow - leadership development for middle management	27/1 - 14/2/08	3 weeks	1	DP Central Policy Group	USA	£5,817	£608	Campus accommodation charges for this programme were included in the fees.	Campus Accommodation Soldiers Field Park Apartments, Harvard, Cambridge MA
	Leaders For Tomorrow - leadership development for middle management	27/1 - 14/2/08	3 weeks	1	SPTO Rivers Agency	USA	£5,817	£608	Campus accommodation charges for this programme were included in the fees.	Campus Accommodation Soldiers Field Park Apartments, Harvard, Cambridge MA

Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11
Number of Training courses which DARD staff have attended overseas in each of the last 5 years	Name of the course/purpose of the training	When course took place	Duration of each course	How many members of staff took part on each course	The grade and branch of each member of staff who took part	In which country the courses took place (excluding UK & ROI)	The cost of fees for each course and each individual attendee	The travel expenses incurred by each attendee of each course	The accommodation costs incurred by each attendee of each course	The specific name and location of places where each attendee stayed during their travel and attendance on each course
	Leadership in a Changing World - development programme for newly appointed Senior Civil Servants	4/11 - 9/11 07	6 days	1	Grade 5 Service Delivery Group	USA	£3,823	£693 plus €56	Campus accommodation charges for this programme were included in the fees.	Campus Accommodation Soldiers Field Park Apartments, Harvard, Cambridge MA
	European Study Visit - enhance/ consolidate learning on working with EU institutions	28/1 - 1/2/08	5 days	1	E01 Central Services Group	Belgium	£449	£86	Accommodation charges and bus transport within Belgium are included in the fees.	Leuven Institute for Ireland in Europe Jansenijsstraat 1 3000 Leuven Belgium

Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11
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	European Study Visit – enhance/ consolidate learning on working with EU institutions	28/1 - 1/2/08	5 days	1	E01 Central Services Group	Belgium	£449	£86	Accommodation charges and bus transport within Belgium are included in the fees.	Leuven Institute for Ireland in Europe Janseniusstraat 1 3000 Leuven Belgium
	Workshop on Disease Outbreak Management – to develop knowledge of outbreak management	21/5 – 25/5/07	5 days	1	DVO Veterinary Service	Denmark	£731	£508	£671	Crown Plaza, Copenhagen

Q1	Q 2	Q 3	Q 4	Q 5	Q 6	Q 7	Q 8	Q 9	Q 10	Q 11
Number of Training courses which DARD staff have attended overseas in each of the last 5 years	Name of the course/purpose of the training	When course took place	Duration of each course	How many members of staff took part on each course	The grade and branch of each member of staff who took part	In which country the courses took place (excluding UK & ROI)	The cost of fees for each course and each individual attendee	The travel expenses incurred by each attendee of each course	The accommodation costs incurred by each attendee of each course	The specific name and location of places where each attendee stayed during their travel and attendance on each course
2008/09 (3 courses)	Leaders For Tomorrow – leadership development for middle management	18/1/ - 6/2/09	3 weeks	1	DP Service Delivery Group	USA	£7,520	£538	Campus accommodation charges for this programme were included in the fees.	Campus Accommodation Soldiers Field Park Apartments, Harvard, Cambridge MA
	Leaders For Tomorrow – leadership development for middle management	18/1/ - 6/2/09	3 weeks	1	DP Central Services Group	USA	£7,520	£538	Campus accommodation charges for this programme were included in the fees.	Campus Accommodation Soldiers Field Park Apartments, Harvard, Cambridge MA
	Leaders For Tomorrow – leadership development for middle management	18/1/ - 6/2/09	3 weeks	1	SO Central Policy Group	USA	£7,520	£538	Campus accommodation charges for this programme were included in the fees.	Campus Accommodation Soldiers Field Park Apartments, Harvard, Cambridge MA

Q1	Q 2	Q 3	Q 4	Q 5	Q 6	Q 7	Q 8	Q 9	Q 10	Q 11
Number of Training courses which DARD staff have attended overseas in each of the last 5 years	Name of the course/purpose of the training	When course took place	Duration of each course	How many members of staff took part on each course	The grade and branch of each member of staff who took part	In which country the courses took place (excluding UK & ROI)	The cost of fees for each course and each individual attendee	The travel expenses incurred by each attendee of each course	The accommodation costs incurred by each attendee of each course	The specific name and location of places where each attendee stayed during their travel and attendance on each course
	Leadership in a Changing World - development programme for newly appointed Senior Civil Servants	2/11 - 7/11/08	6 days	1	Grade 5 Central Services Group	USA	£5,375	£473	Campus accommodation charges for this programme were included in the fees.	Campus Accommodation Soldiers Field Park Apartments, Harvard, Cambridge MA
	Workshop on Disease Outbreak Management - to develop knowledge of outbreak management	5/5 – 9/5/08	5 days	2	DVO and VO Veterinary Service	Denmark	£1,727	£1,084	£1,342	Copenhagen (hotel name unknown)

Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q 10	Q11
Number of Training courses which DARD staff have attended overseas in each of the last 5 years	Name of the course/ purpose of the training	When course took place	Duration of each course	How many members of staff took part on each course	The grade and branch of each member of staff who took part	In which country the courses took place (excluding UK & ROI)	The cost of fees for each course and each individual attendee	The travel expenses incurred by each attendee of each course	The accommodation costs incurred by each attendee of each course	The specific name and location of places where each attendee stayed during their travel and attendance on each course
2009/10 (3 courses)	Leaders For Tomorrow – leadership development for middle management	17/1/ - 29/1/10	2 weeks	1	SO Central Policy Group	USA	£6,782	£437	Campus accommodation charges for this programme were included in the fees.	Campus Accommodation Soldiers Field Park Apartments, Harvard, Cambridge MA
	Leaders For Tomorrow – leadership development for middle management	17/1/ - 29/1/10	2 weeks	1	SO Central Services Group	USA	£6,782	£437	Campus accommodation charges for this programme were included in the fees.	Campus Accommodation Soldiers Field Park Apartments, Harvard, Cambridge MA
	Leaders For Tomorrow – leadership development for middle management	17/1/ - 29/1/10	2 weeks	1	Grade II Service Delivery Group	USA	£6,782	£437	Campus accommodation charges for this programme were included in the fees.	Campus Accommodation Soldiers Field Park Apartments, Harvard, Cambridge MA

Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q 10	Q11
Number of Training courses which DARD staff have attended overseas in each of the last 5 years	Name of the course/ purpose of the training	When course took place	Duration of each course	How many members of staff took part on each course	The grade and branch of each member of staff who took part	In which country the courses took place (excluding UK & ROI)	The cost of fees for each course and each individual attendee	The travel expenses incurred by each attendee of each course	The accommodation costs incurred by each attendee of each course	The specific name and location of places where each attendee stayed during their travel and attendance on each course
	Workshop on Disease Outbreak Management - to develop knowledge of outbreak management	8/6 – 12/6/09	5 days	2	2 X VO Veterinary Service	Denmark	£1,919	£962	£1,282	Zleep, Copenhagen
	Animal Health Economics – to improve knowledge of economics and how this relates to DARD.	15/3 – 19/3/10	5 days	1	VO Veterinary Service	Denmark	£1,544	£116	£702	Radisson Blu, Copenhagen

Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11
Number of Training courses which DARD staff have attended overseas in each of the last 5 years	Name of the course/purpose of the training	When course took place	Duration of each course	How many members of staff took part on each course	The grade and branch of each member of staff who took part	In which country the courses took place (excluding UK & ROI)	The cost of fees for each course and each individual attendee	The travel expenses incurred by each attendee of each course	The accommodation costs incurred by each attendee of each course	The specific name and location of places where each attendee stayed during their travel and attendance on each course
2010/11 (6 courses)	Workshop on Disease Outbreak Management - to develop knowledge of outbreak management	3/5 – 7/5/10	5 days	1	DVO Veterinary Service	Denmark	£965	£332	£703	Radisson Blu, Copenhagen
	EU Foot and Mouth Disease – knowledge on diagnosis and investigation	18/10 – 21/10/10	4	1	SPVO Veterinary Service	Turkey	Nil	£364	Nil	Palan Hotel, Erzurum
	Entomology	22/9/10	1	2	Grade III Service Delivery Group	Netherlands	Nil	£506	Nil	Koppert HQ, Rotterdam
	Plant Health Controls	6/12 – 10/12/10	5	1	Forest Officer III Forest Service	Portugal	Nil	Nil	Nil	Lisbon

Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11
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	MTU Engine level QL1	14/7-16/7/10	3 days	4	Fisheries Officer 1, 3 Fisheries Officers 2 Central Policy Group	Germany	€ 4,320	£1,836	£780	Lindner Hotel, Oberstaufen
	Implementation of Council Directive 2006/88	3/11-5/11/10	3 days	1	Senior Fisheries Officer Central Policy Group	Spain	Nil	Nil	Nil	Vigo

Children and Young People's Action Plan

Mr P Weir asked the Minister of Agriculture and Rural Development what engagement her Department has had with groups from the North Down area in relation to the Children and Young People's Action Plan. (AQW 4100/11)

Minister of Agriculture and Rural Development: DARD takes its Section 75 responsibilities seriously and we are working hard to ensure that children and young people in rural communities throughout the north of Ireland have a voice in shaping those public policies that impact on their lives. This Action Plan sets out our commitments.

We developed the Action Plan in partnership with the Participation Network (PN). This organisation, working alongside Children in Northern Ireland (CiNI) work closely with all government departments to help ensure that government has the support it needs to engage fully with those organisations representing children and young people in taking forward their Section 75 equality duties.

We consulted on the draft Action Plan from November 2009 to the end of Feb 2010. We issued a Press Release in December 2009 about the launch of the draft Action Plan and invited comments and offered to meet any organisation during the consultation period. Through the Participation Network and the Children's Commissioner's contacts we were able to make sure that our draft Plan was made widely available to groups and organisations throughout the north and we were able to meet up with groups of rural young people to hear first hand about issues of concern to them and their views on our proposals.

In addition, two organisations kindly assisted us with providing photographs for the final publication. We were delighted that 9 such meetings were requested and set up with us, right across the north. We spoke at youth events, evening discussions, and Saturday workshops and also received useful and constructive comments from 12 leading children and young people's organisations. The full details of who we consulted with, who we met and organisations that provided comments are available from page 32 in the Action Plan. While it would have been impossible for us to consult across every town in the north, we have engaged with every leading children and young people's organisation.

Most of the Actions in our Plan are not specifically targeted at any particular area of the north although hopefully the actions in the Plan will appeal to young people right across the north, including those living in the North Down area and other rural communities too. Our Action Plan will deliver on outcomes for children and young people right across the north, and no specific borough, council or rural area has been specifically targeted, or excluded from our actions. We hope, as a first step that it will encourage discussion and interest within organisations and groups in rural areas to hear more about the specific actions and how the young people that they represent can benefit from it.

As stated in our Plan we will continue to meet with children & young people and their representative organisations throughout the north to identify further useful actions that our business areas can take forward to better promote participation and involvement of children and young people in all areas of the north.

Diversification Opportunities Within the Farming Sector

Mr G Campbell asked the Minister of Agriculture and Rural Development what proposals her Department has to promote diversification opportunities within the farming sector in 2011. (AQW 4183/11)

Minister of Agriculture and Rural Development: The current Rural Development Programme recognises the contribution that farm diversification can make to the income of farm families. As an extra income stream, farm diversification can underpin the economy of a farm family and sustain the farm business.

In total £20m has been allocated to Axis 3, Measure 3.1 the farm diversification measure of the NIRD 2007-2013. This measure is being delivered by seven Joint Council Committees under the leader bottom up methodology. Within this approach a principal function of the Joint Council Committee is not only to administer but to promote the Farm Diversification opportunities within its community.

In the east Derry area the rural development measures are being delivered on DARD's behalf by Assisting Rural Communities (ARC) North West and North East Rural (NER).

Diversification Challenge and Awareness Events

The Rural Enterprise Advisers work with colleagues in CAFRE to deliver the Diversification Challenge (DC) programme. It consists of two courses Business Planning (DC1) and Business Start (DC2), with Rural Enterprise Advisers involved in the recruitment and mentoring aspects. There are 6 DC1 programmes and 2 DC2 programmes planned for 2011 targeting a total of 120 farm diversifiers.

In addition, Diversification Awareness events complement the link to the Diversification Challenge programme. Awareness events are planned and organised by Rural Enterprise staff to inform and establish interest in farm diversification. This in turn facilitates recruitment onto Diversification programmes and promotes the support available from DARD and funding through the RDP. They take place on the premises of an established farm diversifier and involve staff from CAFRE and the local Council cluster or LAG. Those attending have the opportunity to hear from a diversifier about their experience of setting up their business, learn about the Diversification Challenge training programmes and find out more about the Rural Development Programme and the application process for diversification projects. There are 6 awareness events planned for 2011 to complement the Diversification Challenge programme.

Livestock and Meat Commission

Mr P Butler asked the Minister of Agriculture and Rural Development for a breakdown of the funding her Department has provided to the Livestock and Meat Commission in each of the last five years.
(AQW 4229/11)

Minister of Agriculture and Rural Development: My Department does not provide funding to the Livestock and Meat Commission (LMC). The Commission's funding is derived from statutory producer/processor levy on livestock slaughtered in the north and other commercial activities.

Young Farmers' Clubs

Mr P Frew asked the Minister of Agriculture and Rural Development to outline the rationale for cutting departmental funding to Young Farmers' Clubs.
(AQW 4246/11)

Minister of Agriculture and Rural Development: I published my proposed allocations and savings for the DARD draft budget for the period 2011-15 following the Executive's agreement of a draft budget.

The scale of current expenditure savings required from DARD is £43 million over the next four years. I have to find these savings in order to live within my allocated budget and be able to fund all of DARD's front line services.

I will not have the resources to do everything I would want to do and so have to make some hard decisions to balance the books going forward. The draft budget proposals incorporate savings from corporate services, from procurement, from administration, from transactions and lower priority programmes.

One of the proposals included in the draft budget is the cessation of provision of an annual grant of £75,000 to the YFCU.

Our contribution to the YFCU is focused on funding a range of training and personal development activities for members.

A key purpose of consulting on my draft proposals is to enable me to consider the views of others before I come to a final decision. I welcome feedback on the proposals in the budget document, and would again like to encourage anyone who has an interest to submit responses to my Department within the consultation period.

Hemp

Mr I McCrea asked the Minister of Agriculture and Rural Development to detail (i) the legal and procedural requirements that must be met by a person wishing to grow hemp; (ii) the price of hemp seed; (iii) the tonnage per acre of (a) seed; and (b) straw from a hemp crop; and (iv) whether there is any outlet for surplus hemp seed that cannot be sold.

(AQW 4287/11)

Minister of Agriculture and Rural Development:

- (i) Anyone wishing to grow hemp in the north of Ireland must obtain an annual licence from the Department of Health, Social Services and Public Safety, who will carry out a site visit to ensure the area to be planted is in an appropriate location away from homes, schools and out of view of the general public. They will also check if the applicant has any drug-related convictions. The licence should be approved before ordering seed.

Growers must also comply with the Oil & Fibre Plant Seeds (Amendment) Regulations (NI) 2004, and EU Regulation 796/2004, which is updated annually to provide a list of varieties approved for planting.

- (ii) As with all crops the price of seed will vary greatly depending on the variety used and where it is sourced. Most seed at the moment is available within mainland Europe with costs ranging from around £5 to £9/kg.
- (iii) In terms of yield, growing conditions and the agronomy used will also have a great effect on both seed and straw yields. Seed yields are typically between one and two tonnes per hectare with straw yields in the region of 1.5 tonnes per hectare from oil varieties and 7-8 tonnes per hectare from fibre varieties.
- (iv) In the case of hemp, different varieties are used for fibre and oil production, so having a definitive market outlet before variety selection and planting is advisable. There is currently one processor of Hemp oil in the north of Ireland, and only limited fibre processing in the Britain and north of Ireland, so outlets for surplus seed and straw are restricted at this time.

Forest and Woodland

Mr P Weir asked the Minister of Agriculture and Rural Development to detail the area of land currently covered by forest and woodland; and how this compares to 2007.

(AQW 4303/11)

Minister of Agriculture and Rural Development: The published figures indicate that for the year 2009/2010 the total woodland cover in the north of Ireland is 87,800 hectares.

This compares to a published figure of 87,200 hectares in 2006/2007.

You will wish to note that Forest Service is currently carrying out work to establish baseline data of woodland cover and type in the north of Ireland, using other available woodland information, to provide more comprehensive data.

New Headquarters

Mr G Campbell asked the Minister of Agriculture and Rural Development what criteria is being used to determine the location of her Department's new headquarters.

(AQW 4320/11)

Minister of Agriculture and Rural Development: The criteria to be used to determine the location of the proposed new DARD headquarters will be formulated as part of a relocation project, which has not yet commenced. As you are aware the proposal is to relocate to a rural area and I can assure you that the project will be subject to the Executive's usual requirements in respect of business cases and procurement.

Rural Tourism in East Londonderry

Mr G Campbell asked the Minister of Agriculture and Rural Development what her Department is doing to promote rural tourism in East Londonderry.

(AQW 4321/11)

Minister of Agriculture and Rural Development: I believe rural tourism to be of vital importance to the sustainability of rural communities, which is why the Rural Development Programme 2007-13 (RDP) contains the Encouragement of Tourism Activities measure with a budget of £12 million. Additionally, farm families wishing to diversify into self-catering and activity-based tourism can apply under RDP Measure 3.1, Farm diversification.

ARC NW (Omagh, Strabane, Derry and Limavady Councils) and NER (Ballymena, Ballymoney, Larne, Moyle and Coleraine Councils) Joint Council Committee's (JCC's) oversee RDP funding decisions in your constituency area and are two of seven JCC's established to deliver funding under Axis 3 of the RDP. ARC NW and NER have been allocated £2.3m and £2.5m respectively of the £12m budget under the Encouragement of Tourism Activity Measure.

Axis 3 of the RDP is being delivered through the bottom-up Leader approach, which empowers local communities through Local Action Groups to promote local projects in line with priorities in their local development strategy. Both JCC's strategies have strategic priorities regarding Tourism and both have plans to allocate their full budget by 31 March 2012 with all projects expected to be completed by June 2014.

In addition, Forest Service officials have been involved in discussions with the Tourist Board and other stakeholders regarding the possible contribution to be made from forests and how that can best be delivered. Forest Service has recently agreed with the Tourist Board to commission a study to assess the existing and potential tourism development opportunities available from forests in the north.

Forestry Investment Plans

Mr J Dallat asked the Minister of Agriculture and Rural Development to detail, for the next three years, her forestry investment plans to enhance tourism, recreation and leisure.

(AQW 4365/11)

Minister of Agriculture and Rural Development: The Recreation and Social Use Strategy which I published in 2009 included actions up to 2012/13 which the Department's Forest Service would take to promote social use, recreation and tourism within our forests. The Strategy committed Forest Service to explore partnership opportunities with other organisations to maximise, as far as possible, the potential that exists.

The Strategy also recognised the importance of tourism in enabling economic development and the potential contribution forests could make.

A number of specific proposals are being developed, which involve investment and development in our forests. These include:

- Forest Service will be jointly funding, with NI Tourist Board, a research study to assess the tourism potential of our forests in the north. The proposed study is planned to commence in 2011/2012.
- Forest Service is proposing to develop new operating arrangements for camping and caravanning facilities in its forests in the north. Subject to business case considerations, it is hoped to proceed to market during 2011/12 for the development of caravanning and camping facilities. This development is being progressed jointly with the Strategic Investment Board.
- Forest Service is currently working with Down, and Newry and Mourne Councils, SportNI and NITB to facilitate the development of extensive mountain biking facilities at Castlewellan and Rostrevor Forests. Subject to planning permission and economic appraisal, it is hoped this project will commence in 2011/2012, providing a significant recreation and tourism product in the Mourne area.

- Forest Service has also worked closely with National Trust to facilitate a multi-purpose trail network at Castleward Forest, which will be developed during 2011/12.
- Joint work with Fermanagh District Council to develop a network of walks within the Marble Arch Caves Global Geopark, to be completed by 2012.

Whilst it is difficult to give precise timings about these various developments, it is hoped that significant progress will be made over the next three years.

In addition, we are exploring various other opportunities with partners, including a number of Councils. Our hope is that this work will result in the development of other tourism and recreation opportunities over the next three year period.

Farmers and Agrifood Businesses

Mr P Weir asked the Minister of Agriculture and Rural Development to outline the progress that has been made in reducing the administrative burden on farmers and agri-food businesses.

(AQW 4370/11)

Minister of Agriculture and Rural Development: In 2007 I, along with my Ministerial colleague at the time from the Department of Environment Arlene Foster, asked an independent panel to review the regulations that apply in the agri-food sector in the north of Ireland with a view to simplifying and reducing the administrative burden placed on farmers and the industry generally.

The NI Agri-Food Better Regulations and Simplification Review was published in April 2009 and both Departments took time to consider and respond to each of the 85 recommendations contained in the Review.

My Department issued its response to the Better Regulation Review on 18 May 2010. Since then the department has been actively taking forward an extensive programme of work to give effect to the 61 recommendations put forward by the Independent Panel which have been accepted or accepted in principle. Part of my Departments response was a commitment to develop an action plan to implement, monitor and review the accepted recommendations. Systems have been put in place which will measure these outcomes in due course. The action plan was published on 5 January 2011 following a detailed scrutiny by the ARD Committee.

The Department is constantly striving to improve its approach to policy development, simplify existing legislation and ensure that all new initiatives are of a high quality. For instance we have put in place an electronic identification system for sheep and goats which was supported and welcomed by the industry.

Moreover in July 2009, we secured a very important derogation from Brussels benefiting flock keepers with the introduction of the sheep electronic identification system (EID) which provides central points of recording reducing the administrative burden on flockkeepers, who will not need in general to purchase EID readers.

There has been an increased uptake of APHIS Online. By the end of March around 1,000 farmers will have been trained on the use of APHIS Online over the 6 month period since September 2010. This training and increased promotion of APHIS Online has seen cattle birth registrations via this channel rise from 34% in October 2009 to 45% in January 2011. This service allows 24 hour access and is in keeping with customers expectations. Computerisation of the application process for Agri-environment schemes has also contributed to reducing the administrative burden for farmers who participate in the new Countryside Management Scheme.

In addition the Department has eliminated herd size as a factor when synchronising annual Brucellosis surveillance herd tests with any due TB herd test. There is also evidence that farmers are reacting positively to new initiatives for example the new application process for Tranche 2 of the Farm Modernisation Programme which closed for receipt of applications on 26 November 2010. During the six week opening period around 87% of the almost 8,000 applications received were submitted on-line.

This shows that farmers are keen to take advantage of alternative methods of communicating with the Department in ways which reduce the time and cost they are asked to spend on paperwork.

These are just some of the actions my department has taken to reduce the administrative burden on farmers. I can assure you that I and my department remain committed to reducing the level of red tape. Clear evidence of that, was the creation in early June 2010, of a dedicated Better Regulation Advisory Unit. The unit is providing a strong advisory and co-ordination function across all departmental business areas to support the work towards delivering on the Better Regulation PSA Target. This Unit has worked closely with Business Areas in developing the action plan and will continue to work closely with them as they implement the key actions in the plan and monitor the progress against the target.

My Department has committed to a PSA Target to reduce the administrative burden on the agri-food sector by 25% by 2013 – with an interim target of 15% by 2011. Progress against the interim target will be assessed at the end of 2011.

Kilkeel Harbour

Ms M Ritchie asked the Minister of Agriculture and Rural Development to detail the current position in relation to the Kilkeel Harbour safety breakwater project.

(AQW 4372/11)

Minister of Agriculture and Rural Development: An economic appraisal of options that would address the safety issues affecting access to Kilkeel Harbour in certain adverse weather and tidal conditions has been completed and is currently being considered.

Young Farmers' Clubs of Ulster

Ms M Ritchie asked the Minister of Agriculture and Rural Development to outline the rationale behind her decision to stop her Department's funding to the Young Farmers' Club.

(AQW 4385/11)

Minister of Agriculture and Rural Development: I published my proposed allocations and savings for the DARD draft budget for the period 2011-15 following the Executive's agreement of a draft budget.

The scale of current expenditure savings required from DARD is £43 million over the next four years. I have to find these savings in order to live within my allocated budget and be able to fund all of DARD's business critical services.

I will not have the resources to do everything I would want to do and so have to make some hard decisions to balance the books going forward. The draft budget proposals incorporate savings from corporate services, from procurement, from administration, from transactions and lower priority programmes.

One of the proposals included in the draft budget is the cessation of provision of an annual grant of £75,000 to the YFCU.

Our contribution to the YFCU is focused on funding a range of training and personal development activities for members.

A key purpose of consulting on my draft proposals is to enable me to consider the views of others before I come to a final decision. I welcome feedback on the proposals in the budget document, and would again like to encourage anyone who has an interest to submit responses to my Department within the consultation period.

Department of Culture, Arts and Leisure

Libraries

Mr G Campbell asked the Minister of Culture, Arts and Leisure for an estimate of the total number of people who used libraries in (i) 2005; and (ii) 2010.

(AQW 4035/11)

Minister of Culture, Arts and Leisure (Mr N McCausland): It is not possible to provide an accurate estimate of the total number of people who used libraries in 2004/05 and 2009/10, as the method of calculating active members five years ago differed across the five Education & Library Boards.

The following table shows the total number of visits, including repeat visits, to public libraries in the 2004/05 and 2009/10 financial years.

	Number of Visits
2004/05	7,142,278
2009/10	7,209,020

The figures are published by the Chartered Institute of Public Finance and Accountancy (CIPFA) Public Library Statistics.

Kells and Connor Library

Mr P Frew asked the Minister of Culture, Arts and Leisure, in light of the consultation taking place on the closure of Kells and Connor library, what assurances he can give on alternative services to people who avail of the services provided by the library; and what service will replace the library should a decision be taken to close.

(AQW 4079/11)

Minister of Culture, Arts and Leisure: I recognise the valuable contribution that the public library service makes to our local communities and I remain fully committed to the provision of a comprehensive library service throughout Northern Ireland.

Library Services in communities such as Kells and Connor are being considered within Libraries NI's ongoing Strategic Review of its library estate.

A full public consultation on the Review proposals commenced on 10 January 2011 and I wish to emphasise that nothing has been finalised by the Libraries NI Board at this stage. Decisions on the future of this library will not be made until all the information from the consultation has been collated and presented to the Board of Libraries NI.

However, should any decision be taken by the Board of Libraries NI to close Kells and Connor public library, further discussion will be held with library users to discuss service options. These options include mobile library stops in locations agreed with the users, in addition to services to the housebound.

These reviews are operational matters for Libraries NI; the Board of which includes councillors from my own party, the SDLP, Sinn Féin and the UUP.

2013 World Police and Fire Games

Mr P Frew asked the Minister of Culture, Arts and Leisure if he can give an assurance that the 2013 World Police and Fire Games will not be confined to Belfast and that he will consider facilities and venues in North Antrim.

(AQW 4096/11)

Minister of Culture, Arts and Leisure: Although no final decisions have been made in regard to the location of any sporting venue for the 2013 Games, an advertisement was placed in the Belfast Telegraph by Sport Northern Ireland on behalf of the Stakeholder Group on Friday 2nd July 2010 seeking expressions of interest for venue owners wishing to host sporting events.

Sport Northern Ireland has completed Stage One of the Expression of Interest exercise to identify sporting venues that meet the standards required by the World Police and Fire Games Federation. Venues both within and outside of Belfast have met the standard and a process to select venues is currently underway. As yet no final decisions have been made.

The criteria being used for selection includes that priority will be given to venues that are nearest to the Games Village. However, in exceptional circumstances, where there is no suitable venue within Belfast for a particular sport, or there is an exceptional venue outside of Belfast other venues will be considered.

The Games Village will be located in close proximity to Belfast City Centre.

Sport Northern Ireland has received two expressions of interest from venues in North Antrim both of which are still under consideration.

Overseas Training Courses for Staff

Mr T Burns asked the Minister of Culture, Arts and Leisure to detail (i) the number of training courses which members of staff from his Department have attended overseas in each of the last five years; (ii) the names of the course/purpose of the training; (iii) when the courses took place; (iv) the duration of each course; (v) how many members of staff took part in each course; (vi) the grade and branch of each member of staff who took part; (vii) in which country the courses took place (excluding the UK and Republic of Ireland); (viii) the cost of fees for each course and each individual attendee; (ix) the travel expenses incurred by each attendee of each course; (x) the accommodation costs incurred by each attendee of each course; and (xi) the specific name and location of places where each attendee stayed during their travel and attendance on each course.

(AQW 4120/11)

Minister of Culture, Arts and Leisure: Staff in DCAL are encouraged to avail of a wide range of learning and development opportunities in support of their work for the Department and their wider career within the NICS.

The Department has supported a total of 8 staff to attend overseas training courses over the last 5 years. Six staff attended Leaders for Tomorrow and 2 senior staff attended Leadership in a Changing World, both programmes took place at the Kennedy School of Government, Boston, USA.

The appendix to this provides a breakdown of attendance.

[SEE OVERLEAF]

APPENDIX A

Question		Financial Year				
		06/07	07/08	08/09	09/10	10/11
(i)	Number of training course attended by staff over seas	1	1	1	2	-
(ii)	Name and of course/ training	Leaders for Tomorrow	Leaders for Tomorrow	Leadership in a Changing World	Leaders for Tomorrow	-
	Purpose of course/ training	A north/south public/private leadership and development programme for middle management.	A north/south public/private leadership and development programme for middle management.	A north/south and UK/Ireland public/private leadership development programme for Senior Civil Servants.	A north/south public/private leadership and development programme for middle management.	
(iii)	When courses took place	14/01/07 - 03/02/07	27/01/08 - 14/02/08	02/11/08 - 07/11/08	17/01/10 - 29/01/10	
(iv)	Duration	3 weeks	3 weeks	6 days	2 weeks	-
(v)	How many staff took part in each course	2	2	2	2	-
(vi)	Grade and Branch of staff member	1 x Deputy Principal - Inland Waterways & Fisheries Branch	1 x Deputy Principal - Arts Branch	1 x Grade 5 - Corporate Services	1 x Deputy Principal - 2012 Unit	-
	Grade and Branch of staff member	1 x Staff Officer - Libraries Branch	1 x Staff Officer - Arts Branch	1 x Grade 5 - PRONI	1 x Staff Officer - Minister & Permanent Secretary's Office	-
(vii)	Which country course took place	USA	USA	USA	USA	-
(viii)	Cost of each course and individual attendee	£6,368.00 p/p: Total Cost £12,736	£5,817.00 p/p: Total Cost £11,634	£5,375.00 p/p: Total Cost £10,750	£6,782.00 p/p: Total Cost £13,564	-

(ix)	Travel Expenses	£427.00 p/p: Total Cost £854.00	£608.00 p/p: Total Cost £1,216.00	£357.90 + £314.77 = £672.67	£437.00 p/p: Total Cost £874.00	-
(x)	Accommodation Costs	Nil - Campus accommodation costs inclusive of course cost	Nil - Campus accommodation costs inclusive of course cost	Nil - Campus accommodation costs inclusive of course cost	Nil - Campus accommodation costs inclusive of course cost	-
(xi)	Name and Location of accommodation	Soldiers Field Park Apartments, Cambridge, MA	Soldiers Field Park Apartments, Cambridge, MA	Soldiers Field Park Apartments, Cambridge, MA	Soldiers Field Park Apartments, Cambridge, MA	-

Capital and Resource Investment in the West Belfast Constituency

Mrs D Kelly asked the Minister of Culture, Arts and Leisure how much his Department spent on (i) capital investment; and (ii) resource investment in the West Belfast constituency, in each of the last two years.

(AQW 4132/11)

Minister of Culture, Arts and Leisure: The tables below illustrate how much my Department has spent on (i) capital investment and (ii) resource investment in the West Belfast constituency, in each of the last two years. I should emphasise that these tables refer to investment by the Department only. Investments by the Department's sponsored bodies are excluded.

Capital Investment

Project	Details	2008/09 £	2009/10 £
Divis Mountain to Lagan Valley Regional Park Trail	National Trust	0	24,971
Total Capital Investment		0	24,971

RESOURCE INVESTMENT

Project	Details	2008/09 £	2009/10 £
Spring Feile and Children's Arts Festival	Feile an Phobail (West Belfast Festival)	10,000	0
Christmas Festival	Upper Andersontown Festival Committee	6,632	0
Glor na Mona (Irish Language & Cultural Group)	Glor na Mona	9,201	0
St Oliver Plunkett Luncheon Club	Glen Road Committee Centre Committee	2,702	0
Colin Festival of Parenting	Colin Neighbourhood Partnership	2,630	3,000
Come Out and Play	St Luke's Family Centre	0	2,955
Step Back in Time	Lagmore Meadows Residents Association	0	2,406
The Children's Festival	Falls Road	0	5,000
Community Festival	Falls Road	0	6,000
Feile Gaeilge le brod (Irish Language Festival)	Frank Cahill Resource Centre	0	4,000
Lenadoon Celebrates	Glen Community Complex	0	2,500
Feile an tSleibhe Dhuibh (Black Mountain Festival)	Top of the Rock	0	4,550

Project	Details	2008/09 £	2009/10 £
West Belfast Partnership Board	Creative Minds Seminar	0	5,049
Total Resource Investment		31,165	35,460

I hope you find this information helpful.

2013 World Police and Fire Games

Mr P Weir asked the Minister of Culture, Arts and Leisure which sports and events in the 2013 World Police and Fire Games are being considered for venues outside of Belfast.

(AQW 4206/11)

Minister of Culture, Arts and Leisure: Although no final decisions have been made in regard to the location of any sporting venue for the 2013 Games, an advertisement was placed in the Belfast Telegraph by Sport Northern Ireland on behalf of the Stakeholder Group on Friday 2nd July 2010 seeking expressions of interest for venue owners wishing to host sporting events.

Sport Northern Ireland has completed Stage One of the Expression of Interest exercise to identify sporting venues that meet the standards required by the World Police and Fire Games Federation. Venues both within and outside of Belfast have met the standard and a process to select venues is currently underway. As yet no final decisions have been made.

The selection criteria include proximity to the Games Village. However, in exceptional circumstances, where there is no suitable venue within Belfast for a particular sport, or there is an exceptional venue outside of Belfast, other venues will be considered.

The Games Village will be located in close proximity to Belfast City Centre.

Sport Northern Ireland has received 19 expressions of interest from venues outside of Belfast all of which are still under consideration.

Consultation Documents

Mr P J Bradley asked the Minister of Culture, Arts and Leisure to list the number and titles of all the consultation documents issued by his Department since May 2007.

(AQW 4247/11)

Minister of Culture, Arts and Leisure: Please see attached list at Annex A

Annex A

List of numbers and titles of the consultation documents issued by the Department of Culture, Arts and Leisure since May 2007.

A total of 11 documents were issued by the Department.

Please see list below for further detail.

Date	Title
June 2007	Proposals for an Ulster Scots Academy
October 2007	Draft Consultation October 2007: The Northern Ireland Strategy for Sport & Physical Recreation 2007 – 2017

December 2007	Salmon & Inland Fisheries Stakeholder Forum Consultation
January 2008	DCAL Budget Consultation 2008 – 2011
June 2008	DCAL Guide to Making Information Accessible
September 2008	Proposed Subordinate Legislation Consultation Paper, Public Use of the Records (Management & Fees) Rules Northern Ireland
January 2010	DCAL Budget Consultation 2010 -2011
June 2010	1. Museums Policy for Northern Ireland
	2 DCAL Disability Action Plan 2010-2013
December 2010	DCAL Draft Budget Consultation 2011 - 2015
January 2011	Cultural Awareness Strategy

Fisheries Conservancy Board

Mr P Butler asked the Minister of Culture, Arts and Leisure for a breakdown of the funding his Department has given to the Fisheries Conservancy Board in each of the last five years.
(AQW 4274/11)

Minister of Culture, Arts and Leisure: Please see attached table showing the breakdown of funding that DCAL has provided to the Fisheries Conservancy Board in each of the last 5 years.

	Expenditure per Year
FCB Grant in Aid 2006/2007	£150,000.00
FCB Revenue Support 2006/2007	£393,623.00
Total 2006/2007	£543,623.00
FCB Grant in Aid 2007/2008	£149,999.37
FCB Revenue Support 2007/2008	£479,314.10
Total 2007/2008	£629,313.47
FCB Grant in Aid 2008/2009	£149,999.49
FCB Revenue Support 2008/2009	£677,659.66
Total 2008/2009	£827,659.15

Please note that the Fisheries Conservancy Board was abolished in June 2009 and its functions transferred to the Department of Culture Arts and Leisure. Therefore no funding was provided in the financial years 09/10 and 10/11.

National Museums and Galleries of Northern Ireland

Mr P Butler asked the Minister of Culture, Arts and Leisure to detail the level of funding his Department has allocated to the National Museums and Galleries of Northern Ireland in each of the last five years.
(AQW 4279/11)

Minister of Culture, Arts and Leisure: Please see table set out below detailing Resource and Capital spend. These figures are taken at year end and incorporate any in year adjustments. Resource Non Cash covers the costs of Depreciation and Cost of Capital.

Level of funding allocated to National Museums Northern Ireland in each of the last five years.

Year	Resource Excluding Non Cash	Resource Non Cash	Capital	Total
2005/06	£12.0m	£4.1m	£3.2m	£19.3m
2006/07	£11.1m	£3.9m	£4.5m	£19.5m
2007/08	£12.6m	£4.0m	£5.9m	£22.5m
2008/09	£12.7m	£4.3m	£7.4m	£24.4m
2009/10	£12.9m	£5.1m	£5.6m	£23.6m
Total	£61.3m	£21.4m	£26.6m	£109.3m

Bridle Paths

Dr S Farry asked the Minister of Culture, Arts and Leisure to outline his Department's policy on bridle paths.

(AQW 4280/11)

Minister of Culture, Arts and Leisure: My Department has a remit to develop the navigational and recreational potential of Northern Ireland's Inland Waterways. The Department has no policy or programme for the provision of bridleways for horse riding. We develop and maintain paths beside or in the vicinity of water recreation sites for walkers and cyclists but we do not encourage horse riders to share this space as separate provision in Northern Ireland for riders is made available by other government departments such as Department of Agriculture and Rural Development's Forest Service. Riding routes have been developed by the Countryside Access and Activities network (CAAN).

Research and Development

Mr C Lyttle asked the Minister of Culture, Arts and Leisure how much his Department spent on research and development in each of the last five years.

(AQW 4281/11)

Minister of Culture, Arts and Leisure: The Department incurred no expenditure on research and development in the financial years 2005-06 to 2009-10. I should emphasise that my response refers to the Department only. Expenditure by the Department's sponsored bodies has not been considered.

Cultural Awareness Strategy

Mr B McElduff asked the Minister of Culture, Arts and Leisure to explain his Department's reason for reducing the statutory consultation period on the Cultural Awareness Strategy from twelve weeks to eight weeks; and for his assessment of whether this change will be advantageous to the Orange Order.

(AQW 4325/11)

Minister of Culture, Arts and Leisure: During the pre-consultation phase of the policy development process DCAL officials engaged with the Community Relations Council, the Office of the First Minister and deputy First Minister, the Sports Council, the Arts Council, the Grand Orange Lodge of Ireland and the Gaelic Athletic Association on proposals for a 'Cultural Awareness Strategy'.

The current DCAL Equality Scheme recommends 8 weeks consultation. As such the consultation period on the 'Cultural Awareness Strategy' is compliant with it.

If the new strategy is implemented applications for funding will be made through open competition and will be assessed against predefined and published criteria. This will ensure equality of opportunity to apply for the funding and transparency and fairness in the decision making process.

Boating Conditions on Lough Neagh

Mr D Kinahan asked the Minister of Culture, Arts and Leisure (i) what action he is taking to improve boating conditions on Lough Neagh; (ii) whether he is aware that markers on the Lough have been damaged; and (iii) when these markers will be replaced or repaired.

(AQW 4329/11)

Minister of Culture, Arts and Leisure: The Department of Culture, Arts and Leisure has the statutory responsibility for dredging the entrance to the Sixmilewater river and additionally maintains 47 markers on Lough Neagh as a public service.

A recent business case considered the potential for the creation of a navigation authority on Lough Neagh. It recommended that Waterways Ireland's remit should be extended to become the navigation authority for Lough Neagh. In the current financial climate this option was considered too expensive and will not be pursued during the 2011-15 budget period.

DCAL have contributed significantly to developing Lough Neagh by part-funding a number of projects including the Maid of Antrim passenger vessel refurbishment, Rams Island Ferry, Ballyronan Watersports Centre and the Enterprise Barge at Oxford Island.

The recent severe cold weather caused extensive ice damage to markers on Lough Neagh. Details of the damage to the 26 markers (out of 47) maintained by DCAL was reported to my Department. My officials are currently working with the Rivers Agency to progress a programme to repair/replace the damaged markers.

While my Department is aware of the need for urgent action on this matter, the nature of the work makes it subject to the availability of replacement markers, weather conditions and contractor commitments. Rivers Agency has started work on the production of new markers but it is unlikely that this work will begin before April due to existing commitments of the contractor.

Department of Education

Capital and Resource Investment in West Belfast

Mrs D Kelly asked the Minister of Education how much her Department spent on (i) capital investment; and (ii) resource investment in the West Belfast constituency, in each of the last two years.

(AQW 4092/11)

Minister of Education (Ms C Ruane): In 2008/09 chaith mo Roinn £12.1 mhilliún ar infheistíocht chaipitiúil agus £9.4 milliún ar chaiteachas acmhainní i dtoghcheantar Bhéal Feirste Thiar.

In 2008/09 my Department spent £12.1 million on capital investment and £9.4 million on resource expenditure in the West Belfast constituency. In the 2009/10 year my Department spent £10.0 million on capital investment and £9.8 million on resource expenditure in the same constituency. The resource expenditure mainly comprises funding provided to Voluntary Grammar Schools, whilst the capital funding includes schools in the Voluntary and Maintained sectors.

Training Courses

Mr T Burns asked the Minister of Education to detail (i) the number of training courses which members of staff from her Department have attended overseas in each of the last five years; (ii) the names of the course/purpose of the training; (iii) when the courses took place; (iv) the duration of each course; (v) how many members of staff took part in each course; (vi) the grade and branch of each member of staff who took part; (vii) in which country the courses took place (excluding the UK and Republic of Ireland); (viii) the cost of fees for each course and each individual attendee; (ix) the travel expenses incurred by each attendee of each course; (x) the accommodation costs incurred by each attendee of

each course; and (xi) the specific name and location of places where each attendee stayed during their travel and attendance on each course.

(AQW 4117/11)

Minister of Education: D'fhreastail 13 bhall foirne ar fad ón Roinn Oideachais ar 7 *gcúrsa thar lear le linn na 5 bliana féilire 2006 – 2010.

A total of 13 staff from the Department of Education attended 7 *courses overseas throughout the 5 calendar years 2006 – 2010. Detailed information as asked for at (ii) – (xi) of the question is provided in the table below.

* For the purpose of answering this question, attendance at courses has been interpreted to include study visits.

[SEE OVERLEAF]

Number of Training courses/ study visits which DE staff have attended overseas in last 5 years	Name of the course/purpose of the training	When course took place	Duration of each course	how many members of staff took part on each course	The grade and branch of each member of staff who took part	In which country the courses took place	The cost of fees for each course and each individual attendee	The travel expenses incurred by each attendee of each course	The accommodation costs incurred by each attendee of each course	The specific name and location of places where each attendee stayed during their travel and attendance on each course
A total of 13 staff attended 7 courses/ study visits throughout the 5 calendar years 2006-2010	Cultural Diversity in Education Programme	7.11.06-17.11.06	10 days	1	G5 (Support/ Safeguarding Children)	USA	Costs borne by Irish Institute at Boston College	Approx £40 to and from Airport	Costs borne by Irish Institute at Boston College	Brookline Courtyard by Marriott Hotel, Boston and Marriott San Francisco Fisherman's Wharf
	European Study Visit (To enhance and consolidate learning in relation to working with the European Institutions)	3.11.08-7.11.08	5 days	1	EOII(Financial Plng & European Team)	Belgium	£476	£157	Accommodation included in Fees	Leuven Instit for Ireland in Europe, Belgium

Number of Training courses/ study visits which DE staff have attended overseas in last 5 years	Name of the course/purpose of the training	When course took place	Duration of each course	how many members of staff took part on each course	The grade and branch of each member of staff who took part	In which country the courses took place	The cost of fees for each course and each individual attendee	The travel expenses incurred by each attendee of each course	The accommodation costs incurred by each attendee of each course	The specific name and location of places where each attendee stayed during their travel and attendance on each course
	Leadership in a Changing World (A north/south and British/Ireland leadership development programme for newly appointed Senior Civil Servants	26.11.06-1.12.16 4.11.07-9.11.07	6 days 6 days	2 1	G5(ETI) G5 (Policy, Research & Youth) G5(ETI)	USA	£8,486 £3,823	Approx £40 to and from Airport	Campus Accommodation included in Fees	Campus – Harvard Business School, Cambridge, MA

Number of Training courses/ study visits which DE staff have attended overseas in last 5 years	Name of the course/purpose of the training	When course took place	Duration of each course	how many members of staff took part on each course	The grade and branch of each member of staff who took part	In which country the courses took place	The cost of fees for each course and each individual attendee	The travel expenses incurred by each attendee of each course	The accommodation costs incurred by each attendee of each course	The specific name and location of places where each attendee stayed during their travel and attendance on each course
	Leadership for a Democratic Society (An international leadership role required of career senior executives and the democratic values and beliefs that underpin leadership)	30.4.06-26.5.06	4 weeks	1	G5 – Development & Infrastructure	USA	£6784	Approx £40 to and from Airport	Campus accommodation Included in Fees	Campus – FEI, Charlottesville, VA

Number of Training courses/ study visits which DE staff have attended overseas in last 5 years	Name of the course/purpose of the training	When course took place	Duration of each course	how many members of staff took part on each course	The grade and branch of each member of staff who took part	In which country the courses took place	The cost of fees for each course and each individual attendee	The travel expenses incurred by each attendee of each course	The accommodation costs incurred by each attendee of each course	The specific name and location of places where each attendee stayed during their travel and attendance on each course
	Leaders for Tomorrow (A north/south public/private Leadership development programme for middle management level)	14.1.07-3.2.07	3 weeks	1	DP(Accounts Br)	USA	£6,368	£427	Campus accommodation Included in Fees	Campus – Harvard Business School, Cambridge, MA
		27.1.08-14.2.08	3 weeks	2	DP(Ed W'force Dev) SO(Youth/ Sch)		£11,634	£12,016		
		18.1.09-6.2.09	3 weeks	2	SO(Press Off) SO(Standards & Improv)		£15,040	£1,076		
		17 1.10-29.1.10	2 weeks	1	DP(School Access Team)		£6,782	£437		

Number of Training courses/ study visits which DE staff have attended overseas in last 5 years	Name of the course/purpose of the training	When course took place	Duration of each course	how many members of staff took part on each course	The grade and branch of each member of staff who took part	In which country the courses took place	The cost of fees for each course and each individual attendee	The travel expenses incurred by each attendee of each course	The accommodation costs incurred by each attendee of each course	The specific name and location of places where each attendee stayed during their travel and attendance on each course
	Study Visit Autism in Educational Settings (Programme for policy makers)	16.1.07-26.1.07	10 days	1	G7 (Special Ed Branch)	USA	Costs borne by Irish Institute at Boston College	Approx £40 to and from Airport	Costs borne by Irish Institute at Boston College	Brookline Courtyard by Marriott Hotel, Boston and Horton Grand Hotel, San Diego
	Study Visit Youth Programme	13.5.09-15.5.09	3 days	3	G7, DP & SO (Youth & Schools in the Community Team)	Belgium	Costs borne by Youth Council NI	Approx £35 per person	Costs borne by Youth Council NI	Radisson Blu EU Hotel, Brussels

Number of Training courses/ study visits which DE staff have attended overseas in last 5 years	Name of the course/purpose of the training	When course took place	Duration of each course	how many members of staff took part on each course	The grade and branch of each member of staff who took part	In which country the courses took place	The cost of fees for each course and each individual attendee	The travel expenses incurred by each attendee of each course	The accommodation costs incurred by each attendee of each course	The specific name and location of places where each attendee stayed during their travel and attendance on each course
	Leadership for a Democratic Society (An international leadership role required of career senior executives and the democratic values and beliefs that underpin leadership)	30.4.06-26.5.06	4 weeks	1	G5 – Development & Infrastructure	USA	£6784	Approx £40 to and from Airport	Campus accommodation Included in Fees	Campus – FEI, Charlottesville, VA

Number of Training courses/ study visits which DE staff have attended overseas in last 5 years	Name of the course/purpose of the training	When course took place	Duration of each course	how many members of staff took part on each course	The grade and branch of each member of staff who took part	In which country the courses took place	The cost of fees for each course and each individual attendee	The travel expenses incurred by each attendee of each course	The accommodation costs incurred by each attendee of each course	The specific name and location of places where each attendee stayed during their travel and attendance on each course
	Leaders for Tomorrow (A north/south public/private Leadership development programme for middle management level)	14.1.07-3.2.07	3 weeks	1	DP(Accounts Br)	USA	£6,368	£427	Campus accommodation Included in Fees	Campus – Harvard Business School, Cambridge, MA
		27.1.08-14.2.08	3 weeks	2	DP(Ed W'force Dev) SO(Youth/ Sch)		£11,634	£12,016		
		18.1.09-6.2.09	3 weeks	2	SO(Press Off) SO(Standards & Improv)		£15,040	£1,076		
		17 1.10-29.1.10	2 weeks	1	DP(School Access Team)		£6,782	£437		

Number of Training courses/ study visits which DE staff have attended overseas in last 5 years	Name of the course/purpose of the training	When course took place	Duration of each course	how many members of staff took part on each course	The grade and branch of each member of staff who took part	In which country the courses took place	The cost of fees for each course and each individual attendee	The travel expenses incurred by each attendee of each course	The accommodation costs incurred by each attendee of each course	The specific name and location of places where each attendee stayed during their travel and attendance on each course
	Study Visit Autism in Educational Settings (Programme for policy makers)	16.1.07-26.1.07	10 days	1	G7 (Special Ed Branch)	USA	Costs borne by Irish Institute at Boston College	Approx £40 to and from Airport	Costs borne by Irish Institute at Boston College	Brookline Courtyard by Marriott Hotel, Boston and Horton Grand Hotel, San Diego
	Study Visit Youth Programme	13.5.09-15.5.09	3 days	3	G7, DP & SO (Youth & Schools in the Community Team)	Belgium	Costs borne by Youth Council NI	Approx £35 per person	Costs borne by Youth Council NI	Radisson Blu EU Hotel, Brussels

Professional Support Services

Mr P Callaghan asked the Minister of Education to detail the number of staff employed in (i) Curriculum Advisory and Support Services; and (ii) other professional support services, broken down by location.
(AQW 4147/11)

Minister of Education: Tá miondealú curtha ar fáil ag Príomhfheidhmeannaigh na mBord Oideachais agus Leabharlann de líon na bhfoirne atá fostaithe sna (i) Seirbhísí Comhairleacha don Churaclam; agus (ii) i seirbhísí tacaíochta proifisiúnta eile, miondealaithe de réir suímh agus tugtar breac-chuntas air seo thíos:

The Chief Executives of the Education and Library Boards have provided a breakdown of the number of staff employed in (i) Curriculum Advisory and Support Services; and (ii) other professional support services, broken down by location and this is outlined below:

Belfast Education & Library Board

Service	Location	No of Officers	No of Admin/ Support Staff
Curriculum Advice and Support Service			
CASS	HQ	42	11
	Fortwilliam Centre	0	4
	Ulidia Centre	0	2
Schools' Library Service	Ulidia Centre	0	7
City of Belfast School of Music	Fortwilliam Centre	16	5
Children and Young People's Service			
Educational Psychology Service	HQ	26	9
Special Education	HQ	9	10
Behaviour Support Service	HQ	3	2
Education Welfare Service	HQ	5	6
Education Welfare Service – North Division	Cliftonville PS	9	0
Education Welfare Service – West Division	Whiterock Library	7	0
Education Welfare Service – South and East Division	Ulidia Centre	8	0
Education Welfare Service – Project Team and Looked After Children Team	Blythefield PS	10	0

Service	Location	No of Officers	No of Admin/ Support Staff
Peripatetic Support Service	Ulidia Centre	21	0
Secondary Pupil Support Services	Link Centre	11	7
Belfast Education Other Than at School	Loughshore	20	12
Youth Service	HQ	7	7
Other Professional Support Services			
ASD Support Service	Knockevin, Beechlawn and Brookfield Special Schools, Clandeboye PS and Dunmurry High School	5	0
	Lisnasharragh PS	1	1
Sensory Impaired Service	Belvoir PS	8	0
Specific Learning Difficulties	Beechlawn and Cottown Reading Units	7	0
	Board area	9 (p/t)	

WESTERN EDUCATION & LIBRARY BOARD

Service	Location	No of Officers	No of Admin/ Support Staff
Curriculum Advice and Support Service			
CASS	HQ	1	9
	NW Teachers Centre	10	4
	Magilligan Field Centre	2	1
	Omagh Teachers Centre	4	4
	Technology Centre	0	9
	Strabane Teachers Centre	1	1
	Schools Library Service	0	11
Other Professional Support Services			
Psychology	Derry	6	3
	Enniskillen	8	1
	Omagh	8	3

Service	Location	No of Officers	No of Admin/ Support Staff
Welfare	Strabane	11	1
	Derry	5	1
	Omagh	6	1
	Enniskillen	4	1
Learning Support Service	Omagh	28	4
Autistic Spectrum Advisory Service	Omagh	5	1
	Enniskillen	1	0
	Maydown	3	0
Behaviour Support Team	Knockavoe Resource Centre	3	4
Traveller Support	Omagh	3	0

SOUTH EASTERN EDUCATION & LIBRARY BOARD

Service	Location	No of Officers	No of Admin/ Support Staff
Curriculum Advice and Support Service			
CASS	HQ	31.8 (FTE)	16.2 (FTE)
Music Service	Ballynahinch	14 (FTE)	1.8 (FTE)
		3 (p/t tutors FTE)	
Schools Library Service	Ulidia	7.6 (FTE) BELB	
		9.4 (FTE) SEELB	
Educational Psychologists	HQ	27.74 (FTE)	7 (FTE)
Education Welfare Officers	Bangor	7.8 (FTE)	0.6 (FTE)
	Castlereagh	6 (FTE)	0.6 (FTE)
	Lisburn	6 (FTE)	0.6 (FTE)
	Downpatrick	5.8 (FTE)	0.6 (FTE)
	Belfast	2 (FTE)	0.6 (FTE)
	Board HQ	17.6 (FTE)	2 (FTE)
Behaviour Support/ SEN	HQ	4 (FTE)	1 (FTE)

SOUTHERN EDUCATION & LIBRARY BOARD

Service	Location	No of Officers including administrative and support staff. Also includes ancillary staff
Curriculum Advice and Support Service		
CASS	Newry Teachers Centre	11
	Armagh Teachers Centre	9
	AMMA Centre, Armagh	11
	HQ	18
	Clounagh Centre, Portadown	24
	Silverwood Centre, Lurgan	14
	Dungannon Teachers' Centre	5
Other Professional Support Services		
Education Otherwise Than At School (EOTAS)/Behaviour Support Team (BST)	Eotas Learning Centre, Newry	2
	HQ (Home Tuition)	1
	EOTAS Learning Centre, Lough Road, Lurgan	20
	BST, Silverwood Centre, Lurgan	29
	Tamnamore Learning Centre, Dungannon	4
	The Kinnego Centre, Moy	3
Education Welfare Service	Newry Divisional EWO Office	9
	HQ	10
	Tullygally PS, Craigavon	15
	Dungannon Divisional EWO Office	10
Music Service	Newry Music Centre	5
	Bann House, Portadown	66
	Dungannon Music Centre	1
	Peripatetic Music Service, AMMA Centre, Armagh	2

Service	Location	No of Officers including administrative and support staff. Also includes ancillary staff
Peripatetic Teaching Service	HQ	1
	Abbey St, Armagh	1
	EOTAS, Tamnamore Learning Centre, Dgn	5
	EOTAS, Primary, Lough Road, Lurgan	4
	EOTAS, Post-Primary, Lough Road, Lurgan	4
	EOTAS, Key Stage 3, Lough Road, Lurgan	5
	EOTAS, Dominic Street, Newry	9
	AUTISM, Silverwood Centre, Lurgan	4
	Kinnego Centre, Moy	6
	Special Educational Needs	5
	Hearing Impaired Service	8
	SELB Peripatetic Teacher-St Colman's Abbey PS Newry	1
	SELB Peripatetic Teacher-St Patrick's PS Newry	5
	SELB Peripatetic Teacher-Edenderry PS Newry	3
	SELB Peripatetic Teacher-Drumgor Reading Centre, Craigavon	6
	SELB Peripatetic Teacher-Minterburn PS, Caledon	2
Psychology Service	Psychology Office, Newry	10
	HQ	12
	Psychology Office, Portadown	14
	Psychology Office, Lurgan	1
	Psychology Office, Dungannon	7

NORTH EASTERN EDUCATION & LIBRARY BOARD

Service	Location	No of Officers including administrative and support staff. Also includes ancillary staff
Curriculum Advice and Support Service		
CASS	Antrim	105
Educational Psychology (excluding LTSS & Audiology)	Ballymena	24
	Coleraine	9
	Newtownabbey	13
Education Welfare	Antrim	7
	Ballymena	11
	Coleraine	11
	Newtownabbey	13

School Buses

Mr M Storey asked the Minister of Education how many incidents of school buses being stoned have been reported in each of the last three years.

(AQW 4179/11)

Minister of Education: Chomhairligh na Boird Oideachais agus Leabharlann agus Translink mé go bhfuil an líon teagmhais de chlocha a bheith á gcaitheamh le busanna scoile a tuairiscíodh i ngach ceann de na trí bliana seo chuaigh thart mar atá curtha ar fáil sna táblaí thíos.

I have been advised by the Education and Library Boards and Translink that the number of incidents of school buses being stoned that have been reported in each of the last three years are as provided in the tables below.

School Year	Education and Library Boards	Private Operators
2008/09	3	0
2009/10	3	1
2010/11*	4	0

*information relates to Sept 2010 to Jan 2011.

The Translink figures provided below are based on calendar year and include both designated school buses and stage carriage vehicles which carry both pupils and the general public.

Calendar Year	Ulsterbus	Metro
2008	11	18
2009	9	8
2010	11	7

Gaelscoil an Chaistil, Ballycastle

Mr D McKay asked the Minister of Education for an update on the work scheduled to complete pedestrian and vehicle access for Gaelscoil an Chaistil, Ballycastle.

(AQW 4232/11)

Minister of Education: Measfar an scéim le haghaidh maoinithe taobh le tionscadail eile ardtosaíochta faoi chlár mionoibreacha na Roinne don bhliain airgeadais 2011/12.

The scheme will be considered for funding alongside other high priority projects under the Department's minor works programme for the 2011/12 financial year. The school had requested amendments to the scheme and a meeting has recently taken place with officials to discuss these amendments.

Gaelscoil an Chaistil, Ballycastle

Mr D McKay asked the Minister of Education to detail the timescale for the system build project at Gaelscoil an Chaistil, Ballycastle.

(AQW 4233/11)

Minister of Education: Pléifear tógáil chórasach do Ghaelscoil an Chaistil mar chuid de chlár Mionoibreacha na Roinne ag dul ar aghaidh dúinn agus caithfear a mheas in éadan tosaíochtaí iomaíocha eile.

The scheme for a system build for Gaelscoil an Chaistil will be considered as part of the Department's Minor Works programme going forward and will have to be evaluated against other competing priorities. Unfortunately due to constraints on the capital budget I am unable to say at this time when finance might be available to permit the scheme to proceed .

Research and Development

Mr C Lyttle asked the Minister of Education how much her Department spent on research and development in each of the last five years.

(AQW 4234/11)

Minister of Education: Tá an t-eolas a iarradh curtha ar fáil sa tábla thíos. Léiríonn sé seo an caiteachas ó bhuiséad taighde lárnach na Roinne.

The information requested is provided in the table below. This reflects expenditure from the Department's central research budget.

Financial Year	Research Expenditure
2009/10	£333,561
2008/09	£289,181
2007/08	£350,867
2006/07	£323,163
2005/06	£176,862

Funding for the Northern Ireland Youth Forum

Mr P Butler asked the Minister of Education to detail the level of funding her Department has allocated to the Youth Council for Northern Ireland in each of the last five years.

(AQW 4277/11)

Minister of Education: Leagtar an Tuarascáil Bhliantúil agus Cuntais don Chomhairle Óige roimh an Tionól gach bliain agus tá siad ar fáil le hiniúchadh i Leabharlann an Tionóil.

The Annual Report and Accounts for the Youth Council are laid before the Assembly each year and are available for inspection in the Assembly Library. The level of funding received from the Department of Education for each of the past five years is given in the accounts as follows:

Year	Funding (£)
2009/10	4,410,000
2008/09	4,349,000
2007/08	4,118,500
2006/07	3,885,000
2005/06	3,644,661

Consultation Documents

Mr P J Bradley asked the Minister of Education to list the number and titles of all consultation documents issued by her Department since May 2007.

(AQW 4337/11)

Minister of Education: Ó mhí na Bealtaine 2007, tá 42 comhairliúchán déanta ag mo Roinn mar a shonraítear sa liosta thíos.

Since May 2007, my Department has carried out 42 consultations as detailed in the list below.

Department of Education consultations since May 2007

1. EQIA consultation on funding for Transfer interviews
2. DE Draft Budget 2011-2015
3. Draft Early Years (0-6) Strategy Consultation
4. Disability Action Plan 2010-2013
5. Community Relations, Equality & Diversity in Education Policy
6. Teacher Education in a Climate of Change – The Way Forward
7. Draft Government STEM Strategy
8. Consultation on draft Education (School Development Plans) Regulations (NI) 2010
9. Draft Equality Impact Assessment (EQIA) on the Proposal to withdraw Funding from Preparatory Departments of Grammar schools
10. Common Funding Formula Consultation January 2010
11. Consultation on EMA policy and pupils with Asperger's Syndrome (Focussed consultation to a small number of organisations)
12. Guidance to schools on school uniform related policies (Focussed consultation)
13. DE Staff Transfer Scheme
14. Every School A Good School: The Way Forward for Special Educational Needs and Inclusion
15. Consultation on the Equality Impact Assessment (EQIA) of the Teachers' (Compensation for Redundancy and Premature Retirement) Regulations (NI) 2010 and complementing amendments to the Teachers' Superannuation Regulations (NI) 1998
16. Consultation on the Equality Impact Assessment (EQIA) Every School A Good School – School Improvement Policy
17. Education and Skills Authority Implementation Team Consultation on 'The Education Sector Staff Transfer Scheme'
18. Food in Schools Policy

19. School Circular – The Education of Children and Young People from the Traveller Community
20. School Admissions (Exceptional Circumstances) Regulations 2010
21. Consultation on the Review of Public Administration
22. Education and Skills Authority - Director structure consultation
23. RPA Policy Paper 19: Education Advisory Forum
24. Equality Impact Assessment of the Transfer 2010 Guidance
25. Transfer 2010 Guidance
26. Consultation on the draft teachers' (Compensation for Redundancy and Premature Retirement) Regulations (NI) 2009
27. The Recruitment, Redeployment and Voluntary Severance (RRVS) Strategy
28. Consultation on Draft Pupil Records and Reporting Regulations and Levels of Progression
29. RPA Policy Paper 20: Publicly owned schools - Ownership and Representation
30. Review of Irish-medium Education
31. Local Management of Schools - Common Funding Formula
32. The Teachers' Pensions (Miscellaneous Amendments) Regulations (NI) 2008
33. Review of Literacy and Numeracy Strategy
34. Local Management of Schools - Common Funding Formula
35. Every School A Good School – School Improvement Policy
36. Consultation on the Area-based Planning Policy
37. Public Consultation on Building a Better Future
38. RPA/Paper 5 Governance and Accountability
39. Careers Education Information Advice and Guidance Strategy
40. Consultation on Draft Regulations to Prohibit Discrimination by General Qualifications Bodies on the Grounds of Disability
41. Consultation on Draft Amendment Regulations to Prohibit Discrimination by General Qualifications Bodies on the Grounds of Disability
42. Policy on Supporting Ethnic-Minority Children and Young People who have English as an Additional Language

Education Sector: Financial Difficulties

Mr K Robinson asked the Minister of Education whether her Department and the Education and Library Boards have held discussions on the financial difficulties currently faced by the education sector; and what were the outcomes of these meetings.

(AQW 4428/11)

Minister of Education: Buaileann mo chuid oifigeach Rannach ar bhonn rialta leis an fhoireann sna Boird Oideachais agus Leabharlann (ELB).

My Departmental officials meet regularly with staff in the Education and Library Boards (ELB). These include quarterly Accountability Review meetings between my Department's Permanent Secretary and the Chairs/Chief Executives of the ELBs. In addition, the Department's Finance Director and ELB Chief Finance Officers meet on a regular basis. The financial position and related issues are discussed at these meetings.

In respect of outcome, the financial position of each ELB is monitored and the management of pressures considered on a collective basis. We have, over recent years, agreed to work together with ELBs to maximise the use of resources necessary to protect front line services whilst at the same time promoting equality.

St Patrick's Academy, Dungannon

Mrs M O'Neill asked the Minister of Education for an update on the new build for St Patrick's Academy, Dungannon.

(AQW 4468/11)

Minister of Education: Tá tionscadal na foirgníochta nua d'Acadamh Naomh Pádraig ar Phlean Infheistíochta Seachadta (IDP) na Roinne.

The new build project for St Patrick's Academy is on the Department's Investment Delivery Plan (IDP). Capital projects on the IDP progress through a series of stages of planning and design. The project for St Patrick's Academy is currently at design Stage C, initial sketch stage.

Department for Employment and Learning

Essential Skills Programme

Mr J Dallat asked the Minister for Employment and Learning, for each of the last five years, to detail the number of people who enrolled in the Essential Skills Programme, broken down by the following ages; (i) 26 to 35; (ii) 36 to 45; (iii) 46 to 55; (iv) 56 to 65; and (v) 66 or older.

(AQW 3998/11)

Minister for Employment and Learning (Mr D Kennedy): The number of enrolments and people who enrolled in the Essential Skills Programme for the last five academic years for which data are available, broken down by the requested age bands are detailed in the tables overleaf.

Enrolments have been assigned to a specific academic year based on the start date of the enrolment.

Individuals have been assigned to a specific academic year based on the start date of their first enrolment.

(I) 26 TO 35

Academic Year	Enrolments	Individuals
1 August 2005 - 31 July 2006	2,150	1,227
1 August 2006 - 31 July 2007	1,669	901
1 August 2007 - 31 July 2008	1,526	833
1 August 2008 - 31 July 2009	3,505	1,768
1 August 2009 - 31 July 2010	4,489	2,210

(II) 35 TO 45

Academic Year	Enrolments	Individuals
1 August 2005 - 31 July 2006	2,241	1,280
1 August 2006 - 31 July 2007	1,585	829
1 August 2007 - 31 July 2008	1,432	860
1 August 2008 - 31 July 2009	3,210	1,542
1 August 2009 - 31 July 2010	4,398	2,249

(III) 46 TO 55

Academic Year	Enrolments	Individuals
1 August 2005 - 31 July 2006	1,166	703
1 August 2006 - 31 July 2007	823	435
1 August 2007 - 31 July 2008	735	458
1 August 2008 - 31 July 2009	1,854	946
1 August 2009 - 31 July 2010	2,924	1,709

(IV) 56 TO 65

Academic Year	Enrolments	Individuals
1 August 2005 - 31 July 2006	513	321
1 August 2006 - 31 July 2007	321	187
1 August 2007 - 31 July 2008	287	171
1 August 2008 - 31 July 2009	556	314
1 August 2009 - 31 July 2010	1,382	1,049

(V) 66 OR OLDER

Academic Year	Enrolments	Individuals
1 August 2005 - 31 July 2006	123	72
1 August 2006 - 31 July 2007	68	40
1 August 2007 - 31 July 2008	55	31
1 August 2008 - 31 July 2009	126	100
1 August 2009 - 31 July 2010	783	721

Source: Essential Skills enrolment return

Notes: Figures are correct as at 8th October 2010.

Essential Skills Needs

Mr J Dallat asked the Minister for Employment and Learning what action he intends to take to target the 150,000 people in the population who have essential skills needs, broken down by the following ages; (i) 26 to 35; (ii) 36 to 45; (iii) 46 to 55; (iv) 56 to 65; and (v) 66 or older.

(AQW 3999/11)

Minister for Employment and Learning: My Department funds Further Education(FE) Colleges in Northern Ireland to provide free Essential Skills courses in Literacy, Numeracy and ICT to all adults, regardless of age. Those in need of essential skills tuition are encouraged to gain recognised qualifications.

Within this overall approach, there are a number of specific initiatives to target learner engagement:

All adults participating in the Department's Training for Success, ApprenticeshipNI and Steps to Works Programmes are provided with the opportunity to enrol in Essential Skills courses that can be adapted to meet the professional and technical needs of the learner.

Under the (pilot) Learner Access and Engagement Programme, further education colleges contract with non statutory organisations, including voluntary and community groups, to support “hard to reach” adults who require Essential Skills as part of their preparation for employment. This initiative is aimed at those marginalised adults who are aged over 19, are unemployed and have few or no qualifications.

My Department works with employers through the Union Learning Fund and the Alliance of Sector Skills to engage low skilled adults in the workplace to enrol in Essential Skills courses. FE Colleges are working with a wide range of employers to provide Essential Skills courses that are flexible and delivered at a time and place that meet the needs of the learner as well as the employer.

The recent introduction of free entry level ICT classes has also enabled those adults irrespective of age who have experienced difficulties because of their lack of computer skills, to join classes at their local college.

In conjunction with the Department of Education’s Extended Schools Initiative, my Department promotes Essential Skills for parents and families. The Initiative includes a range of programmes to help parents support their children’s learning while at the same time improving their own learning and skills through recognised qualifications.

The Department has set individual colleges specific targets for the numbers enrolling Essential Skills learners within a particular age group. The targets require colleges to engage learners in the 16-19 age group and also those over the age of 19.

Essential Skills Programme

Mr J Dallat asked the Minister for Employment and Learning how the Essential Skills advertising campaign is evaluated and how this evaluation helped to identify hard-to-reach groups.

(AQW 4000/11)

Minister for Employment and Learning: The Essential Skills advertising campaign is evaluated annually by the Government Advertising Unit (GAU) against the campaign objectives, calls to action, campaign results and value for money.

At the outset of the new Get the Know How campaign in 2008, the following objectives were agreed with GAU:

- to stimulate interest among the campaign’s audience in opportunities to improve their Essential Skills;
- to develop and increase awareness of the benefits of improving Essential Skills;
- to improve audiences’ knowledge of how to find out more information;
- to stimulate the target audience to make contact; and
- to contribute to the numbers of people engaging in ES training.

The target audience for the advertising campaign is any adult over 16 who does not have a Level 2 qualification in English, Maths or ICT, particularly unemployed people, low skilled people in the workplace and those living in the most deprived wards in Northern Ireland.

In 2010 the media approach to engage the target audience concentrated on:

- TV to generate mass awareness during the main enrolment period;
- Radio to further build campaign awareness and frequency; and
- Google search to deliver visitors to the Essential Skills landing page.

This was supported by other communications activities including the web presence on NI Direct, press articles, Text messaging service, promotional material and the further education colleges’ own marketing efforts.

The 2010 campaign focused on stimulating the target audience to make contact to find out about taking an Essential Skills course. GAU confirmed that the campaign is meeting its objectives with good media coverage achieved, TV and radio exceeding their targets, a good level of text and web visit responses and an exceptionally high level of awareness of the advertisements, 70%, amongst the target audience.

Statistics show that 31% of all enrolments come from the most deprived parts of Northern Ireland which confirms that the advertising campaign is contributing to targeting those learners most in need.

Essential Skills Programme

Mr J Dallat asked the Minister for Employment and Learning how voluntary and community-based groups engage with hard-to-reach adults who have not benefited from the Essential Skills Programme. (AQW 4001/11)

Minister for Employment and Learning: My Department has put in place a number of arrangements to ensure community and voluntary groups can engage hard to reach adults who would benefit from the Essential Skills programme.

Under the (pilot) Learner Access and Engagement Programme, colleges contract with non statutory organisations, including voluntary and community groups, to support “hard to reach” adults who require Essential Skills as part of their preparation for employment. This initiative is aimed at those marginalised adults who are aged over 19, are unemployed and have few or no qualifications.

Many of the community and voluntary groups which receive funding under the Northern Ireland European Social Fund Programme 2007 -2013, are actively addressing individuals with Essential Skills issues. The strategic aim of the NIESF is to help reduce economic inactivity and increase workforce skills by supporting actions to extend employment opportunities to people at a disadvantage in the labour market. It is estimated that around 70% of the projects include signposting, learner support and/or delivery of Essential Skills Programmes within the overall range of provision offered. While a number of the voluntary community organisations have their own Essential Skills tutors; many work closely with the local further education colleges to deliver the Essential Skills programmes.

Over the duration of the entire programming period 2007 to 2013 the NIESF Programme aims to assist a target of 18,000 individual participants with Essential skills needs, and aims to achieve a target of 8,000 individuals acquiring Essential basic skills. By the end of the year 2009 the Programme had assisted 8,753 individuals with Essential skills needs, of which 4,822 were recorded as gaining Essential basic skills. The Programme is on track to achieve or exceed both targets.

In addition, my Department contracts with community and voluntary organisations within the Training for Success, Steps to Work and Local Employment Intermediary Service programmes to promote, support and deliver Essential Skills.

Overseas Training Courses for Staff

Mr T Burns asked the Minister for Employment and Learning to detail (i) the number of training courses which members of staff from her Department have attended overseas in each of the last three years; (ii) the names of the course/purpose of the training; (iii) when the courses took place; (iv) the duration of each course; (v) how many members of staff took part in each course; (vi) the grade and branch of each member of staff who took part; (vii) in which country the courses took place (excluding the UK and Republic of Ireland); (viii) the cost of fees for each course and each individual attendee; (ix) the travel expenses incurred by each attendee of each course; (x) the accommodation costs incurred by each attendee of each course; and (xi) the specific name and location of places where each attendee stayed during their travel and attendance on each course.

(AQW 4077/11)

Minister for Employment and Learning: I have placed a table, providing details requested above, in the Assembly Library and the Department of Employment and Learning's website (www.delni.gov.uk).

Education Maintenance Allowance

Mr A Ross asked the Minister for Employment and Learning how many people in the East Antrim area are in receipt of Education Maintenance Allowance.

(AQW 4086/11)

Minister for Employment and Learning: I wish to refer the Member to my answer to AQW 3828/11.

Student Fees

Mr S Moutray asked the Minister for Employment and Learning whether he has had any discussions with colleagues in (i) the House of Commons; or (ii) the House of Lords. as part of the work carried out by the Department regarding student fees in relation to “costing and modelling various options and analysing the key proposals in each of the other UK administrations, as well as developments in the Republic of Ireland”

(AQW 4172/11)

Minister for Employment and Learning: In the context of the continuing work on tuition fees and future student finance arrangements, I have had discussions with my Ministerial counterpart in England, David Willetts MP, on a range of related issues. I have also discussed issues relating to tuition fees and student support with the Budget Review Group, of which Sammy Wilson MP and Martin McGuinness MP are members, as well as discussing them with my party colleague and previous Minister for Employment and Learning, Lord Empey of Shandon MLA.

In addition, I have had similar discussions with Mike Russell, MSP, my counterpart in Scotland, and Leighton Andrews AM, my counterpart in Wales.

Finally, my officials have been in extensive contact with counterparts in England, Scotland, Wales and the Republic of Ireland to discuss, model and cost any emerging proposals.

Capital and Resource Investment in West Belfast

Mrs D Kelly asked the Minister for Employment and Learning how much his Department spent on (i) capital investment; and (ii) resource investment in the West Belfast constituency, in each of the last two years.

(AQW 4199/11)

Minister for Employment and Learning: The Department for Employment and Learning has funded capital projects in the West Belfast constituency, at Belfast Metropolitan College and St Mary's College, with an actual spend of £2.79m in 2009/10 and an estimated spend of £5.75m in 2010/11.

The Department's resource investment in the West Belfast constituency covers Higher Education (HE), Further Education (FE), Local Employment Intermediary Service (LEMIS) and Skills Delivery (SD). Actual spend for HE, LEMIS and SD was £6.05m in 2009/10 and the estimated spend is £6.03m in 2010/11.

In addition, there was an actual resource spend of £35.63m in 2009/2010 and an estimated spend of £34.61m in 2010/11 for FE at Belfast Metropolitan College, the Millfield and Whiterock campuses of which falls within the West Belfast constituency. It is not possible to detail the BMC West Belfast resource separately.

Higher Education Places

Mr P Weir asked the Minister for Employment and Learning to detail the number of higher education places, per head of population; and how this figure compares to the UK as a whole, in each of the last three years.

(AQW 4204/11)

Minister for Employment and Learning: The table below shows both the number of full-time undergraduate enrolments and all enrolments in Northern Ireland Higher Education Institutions in each of the last three academic years and compares these to the UK total. The enrolments are stated per 1000 of the population.

Academic year	Full time undergraduate enrolments		All enrolments	
	NI	UK	NI	UK
2007/08	17	20	27	38
2008/09	17	21	27	39
2009/10	17	21	28	40

Further Education Expenditure

Mr C McDevitt asked the Minister for Employment and Learning to detail the (i) recurrent expenditure; and (ii) capital expenditure incurred by his Department in relation to the further education sector in each of the last five years.

(AQW 4255/11)

Minister for Employment and Learning: Recurrent block grant funding to Further Education Colleges is allocated on an academic year basis through the FE funding model and is determined through the College Development Plan (CDP) process. Capital funding is allocated through a process of economic appraisal and is administered on a financial year basis. The allocations for both recurrent and capital funding to the FE Colleges for each of the last five years are detailed in the following table.

Year	Recurrent Funding	Capital Funding
2006-07	£128,200,000	£32,833,610
2007-08	£141,000,000	£31,532,324
2008-09	£141,000,000	£34,047,625
2009-10	£144,999,700	£38,916,885
2010-11	£148,200,000	£26,349,425 (to date)

Training for Success and Other Programmes

Mr C McDevitt asked the Minister for Employment and Learning to detail the level of funding allocated for training under the Training for Success programme, and similar programmes, within the further education sector in each of the last five years.

(AQW 4257/11)

Minister for Employment and Learning: The figures below reflect the funding made available to the further education sector over the last 5 financial years in respect of the Training for Success (including Programme Led Apprenticeships), ApprenticeshipsNI and Jobskills programmes. The figures are inclusive of the Educational Maintenance Allowance (EMA) / Training Allowance which is paid to participants.

Financial Year	2006/07	£20,739,043.82
Financial Year	2007/08	£19,901,245.28
Financial Year	2008/09	£19,956,260.63
Financial Year	2009/10	£25,154,395.31
Financial Year	2010/11	£22,453,502.38

Essential Skills Programmes

Mr C McDevitt asked the Minister for Employment and Learning to detail the level of funding allocated for Essential Skills programmes provided by the further education sector in each of the last five years.
(AQW 4258/11)

Minister for Employment and Learning: From 2007/08 funding for Essential Skills provision was integrated into the Further Education funding formula and paid through the FE College's recurrent block grant on an academic year basis. Prior to 2007/08, funding for Essential Skills provision was outside the block grant allocation and was allocated each financial year on the basis of in-year claims. The funding allocated for Essential Skills provision in the last five years is detailed in the table overleaf.

Year	Essential Skills Funding Allocation
2006/07	£4,200,000*
2007/08	£4,986,498
2008/09	£6,553,800
2009/10	£8,306,100
2010/11	£10,421,879

* Financial Year

Funding for the Fair Employment Tribunal and the Labour Relations Agency

Mr P Butler asked the Minister for Employment and Learning to detail the funding his Department has allocated to (i) the Fair Employment Tribunal; and (ii) the Labour Relations Agency, in each of the last five years.

(AQW 4344/11)

Minister for Employment and Learning: The Assembly Business Office has confirmed that the answer to part (i) of Mr Butler's question should read, (i) the Industrial Tribunals and the Fair Employment Tribunal.

The Department for Employment and Learning has provided funding to (i) the Industrial Tribunals and the Fair Employment Tribunal (OITFET) and (ii) the Labour Relations Agency (LRA) over the last 5 years as follows:

	2006/07	2007/08	2008/09	2009/10	2010/11
OITFET	£3.308m	£3.410m	£3.323m	£3.670m	£3.199m
LRA	£3.019m	£3.200m	£3.200m	£3.695m	£2.770m

The figures for the 2010/11 year are the actual outturn as at 31 January 2011.

Student Finance Support

Mr P Callaghan asked the Minister for Employment and Learning what discussions his Department has had, or intends to have, with the relevant authorities in the Republic of Ireland in relation to the impact any changes to student finance support would have on cross-border student mobility.

(AQW 4383/11)

Minister for Employment and Learning: Officials in my Department meet regularly with their counterparts in the Department of Education and Science to discuss developments in student support for higher education. More recently this has involved discussions on the proposed increase from €1,500 to €2,000 for the registration fee payable at higher education institutions in the Republic of Ireland.

Further engagement between officials will follow to discuss the outworking and implications for student flows, of any changes to student support that may emerge as a result of the proposed public consultation on tuition fees and student finance arrangements in Northern Ireland.

Apprenticeship Schemes

Mr P Ramsey asked the Minister for Employment and Learning how many people in each constituency have benefited from upskilling as a result of an apprenticeship scheme in each of the last five years. **(AQW 4445/11)**

Minister for Employment and Learning: The data in the Table below lists the number of apprentices in each Parliamentary constituency who started an apprenticeship scheme funded by the Department for Employment and Learning over the last five years.

TABLE 1. NUMBER OF INDIVIDUALS WHO HAVE COMMENCED APPRENTICESHIPS, 2006-2010 BY PARLIAMENTARY CONSTITUENCY

	2006	2007	2008	2009	2010
Belfast East	93	182	276	328	374
Belfast North	165	223	344	326	398
Belfast South	119	154	258	291	337
Belfast West	211	315	412	404	437
East Antrim	183	279	360	358	407
East Londonderry	113	214	349	377	452
Fermanagh & South Tyrone	263	364	494	564	576
Foyle	197	270	394	398	835
Lagan Valley	194	265	410	450	415
Mid Ulster	214	366	423	326	407
Newry & Armagh	272	285	420	488	450
North Antrim	226	367	492	438	529
North Down	127	175	213	226	305
South Antrim	205	318	515	433	545
South Down	257	351	509	482	370
Strangford	151	256	333	355	401
Upper Bann	183	236	376	391	361
West Tyrone	180	282	471	545	575
Missing*	40	31	44	59	100
Total	3393	4933	7093	7239	8274

* Missing figures include occurrences of BT99 9XX which represent cases outside of Northern Ireland (2006 = 4 occurrences, 2007 = 13 occurrences, 2008 = 20 occurrences, 2009 = 41 occurrences, 2010 = 62 occurrences).

Source: Department for Employment & Learning Client Management System

Apprenticeship Schemes

Mr P Ramsey asked the Minister for Employment and Learning to detail the running costs of apprenticeship schemes in the (i) West Belfast constituency; and (ii) Foyle constituency in each of the last two years.

(AQW 4493/11)

Minister for Employment and Learning: Under ApprenticeshipsNI, my Department meets the full cost of the apprentice's directed training which is delivered by contracted training suppliers. The figures below represent the amount of funding, for the delivery of apprenticeship training, paid to training suppliers in the West Belfast and Foyle Parliamentary constituencies over the last two years.

Apprenticeships	Financial Year 2009/2010	Financial Year 2010/2011 (to date)
West Belfast Constituency	£4,116,242	£4,399,908
Foyle Constituency	£1,773,968	£1,357,259

There are currently 8 Training Suppliers delivering apprenticeship training in the West Belfast constituency and 7 delivering in Foyle constituency. At present our records indicate an occupancy level of 1740 and 811 respectively.

Premature Retirement Compensation Severance Payments for Lecturers

Mr P Butler asked the Minister for Employment and Learning for an update on the sector-wide proposals on the Premature Retirement Compensation severance payments for lecturers in the Further Education sector.

(AQW 4540/11)

Minister for Employment and Learning: The operation of the Teachers' Premature Retirement Scheme is a matter for each employing authority (each Further Education College). However, my Department has encouraged the six College employers to adopt a common 'sector wide' approach for the purpose of implementing severance payments for lecturers. The College employers submitted a 'sector wide' proposal to the Department on 17th September 2010, and my Department provided clarification, as requested by them, on 14th October 2010 that the proposal is within the parameters of the Teachers' Premature Retirement Scheme.

College employers were advised at that time that any proposal remains subject to discussion with the recognised Trade Unions, using the established negotiating mechanisms.

I continue to encourage College Employers and the Trade Unions to engage in meaningful dialogue.

Northern Regional College: Ballymoney Campus

Mr M Storey asked the Minister for Employment and Learning for an update on the future of the Ballymoney campus of the Northern Regional College.

(AQO 1055/11)

Minister for Employment and Learning: The Northern Regional College has submitted a college improvement plan to my department which includes the rationalisation of the college estate. In that plan, the college proposed that the Coleraine and Ballymoney campuses would be replaced by a new college in Coleraine. The estimated cost of the investment required was £40.6m. A bid was made in Budget 2010 to commence this project, along with NRC's other major project at Ballymena, but no funding has been allocated in the draft budget. However, as I indicated at my recent meeting with the Further Education sector, I am keen that planning should proceed, so that should resources become available in the course of this budget period the college will be ready to move ahead. In the meantime my department will consider providing capital support to the campus in respect of Health and Safety

and Minor works to ensure that further educational provision continues in Ballymoney. I am due to meet the Member shortly on this issue and am happy to hear his representations.

Higher Education: Fees

Mr T Elliott asked the Minister for Employment and Learning what discussions he has had, in the last 12 months, with his counterparts in other parts of the UK about higher education fees.

(AQO 1056/11)

Minister for Employment and Learning: Since the publication last October of the Browne and Stuart Reports on the respective reviews in England and Northern Ireland, I have had formal discussions on tuition fees, student support and related issues with my Ministerial counterparts in each of the other United Kingdom administrations.

I have spoken to David Willetts, Minister of State for Universities and Science in England, Mike Russell, Cabinet Secretary for Education and Lifelong Learning in Scotland, and Leighton Andrews, Minister for Children, Education and Lifelong Learning in Wales. I have also spoken to John Hayes, Minister for Business, Innovation and Skills in England, about the Skills Agenda.

Education Maintenance Allowance

Mr C McDevitt asked the Minister for Employment and Learning when he intends to bring forward proposals for the Education Maintenance Allowance.

(AQO 1057/11)

Minister for Employment and Learning: Both my Department and the Department of Education received the findings of the jointly commissioned Review of the Education Maintenance Allowance scheme in Northern Ireland in December 2010. Officials from both Departments are currently assessing the findings of the report therefore no decisions have yet been made on the future of the scheme.

I can further advise that the Review Report has been shared with the Employment and Learning Committee. The Committee has recently written to me with a series of proposals relating to this important issue. One of those proposals concerns the need for further pre-consultation engagement and I will wish to give this serious consideration. My Department will also wish to engage fully with the Committee as policy options are developed. Clearly we will want to carefully consider any potential impact on students from the most disadvantaged backgrounds, whom I am committed to supporting.

Any proposals to amend the current provision of the EMA scheme in Northern Ireland will be subject to a public consultation and appropriate equality considerations, and also taking account of the very difficult budgetary position currently facing my Department.

Any changes to the existing scheme would be implemented from academic year 2012/13 at the earliest.

Education Maintenance Allowance

Ms M Anderson asked the Minister for Employment and Learning whether the review of the Education Maintenance Allowance concluded that these payments are a major factor in assisting young people from lower-income families to remain in full-time education and if a decision has been made on whether to continue the payments.

(AQO 1058/11)

Minister for Employment and Learning: Both my Department and the Department of Education received the findings of the jointly commissioned Review of the Education Maintenance Allowance scheme in Northern Ireland in December 2010. Officials from both Departments are currently assessing the findings of the report therefore no decisions have yet been made on the future of the scheme.

I would agree, however, that Education Maintenance Allowance is more important for low-income families and that it assists them to stay in full-time education. For this reason, I have no intention of withdrawing Education Maintenance Allowance from low-income families. That said, while there is some evidence in the Review that Education Maintenance Allowance impacts positively on the decisions of young people from lower-income families to remain in full-time education, there is also evidence that the majority of young people would have stayed on in full-time education regardless of the Education Maintenance Allowance payments.

I can further advise that the Review Report has been shared with the Employment and Learning Committee. The Committee itself has already recommended in its NEETs' report that EMA should be better targeted in the future. My Department will engage fully with the Committee as policy options are developed, which will clearly consider any potential impact on students from the most disadvantaged backgrounds, whom I am committed to supporting.

Any proposals to amend the current provision of the EMA scheme in Northern Ireland will be subject to a public consultation and appropriate equality considerations. They will also take account of the very difficult budgetary position currently facing my Department.

Young People not in Education, Employment or Training

Miss M McIlveen asked the Minister for Employment and Learning what additional resources he intends to allocate to the forthcoming Not in Education, Employment or Training Strategy.
(AQO 1059/11)

Minister for Employment and Learning: My officials and those from other departments are currently working to bring forward a draft cross-Departmental strategy addressing the barriers facing young people outside Education Employment or Training and I intend to issue the draft document, subject to Executive agreement, for public consultation as soon as possible.

Whilst my Department has a role to play in offering support to those who have been failed by the education system, others too, not least the Department of Education which has responsibility for early intervention, have a significant contribution to make.

While the strategy has not yet been agreed nor been through public consultation, it is not possible to attribute resources to it exactly. I do know, however, as I indicated in response to question number 2, that a substantial amount of funding is already allocated to relevant programmes and services across departments.

Bearing in mind the current difficult financial context we will be looking to develop and enhance our focus on addressing the issues facing these young people through our cross-departmental strategic approach. As part of the developing strategy work we also intend to look at best use of these existing resources.

As the strategy develops its focus on addressing the barriers to young people's engagement in Education, Employment and Training, I will also look at the possibility of seeking additional resources to help us better reach these young people. Options here will include the proposed Executive Social Investment Fund, when the criteria become clearer.

Assured Skills

Mr D McNarry asked the Minister for Employment and Learning for his assessment of the significance of the Assured Skills initiative.
(AQO 1060/11)

Minister for Employment and Learning: The Assured Skills pilot programme represents a significant enhancement of Northern Ireland's ability to attract inward investment. By investing in the skills of our people, we ensure the maximum amount of benefit for the local economy, and can demonstrate to client companies that Northern Ireland is a place where the skills they need to make their business

successful can be found. I expect it to have a significant role to play in growing and rebalancing the local economy in years to come.

Students: Funding

Mr B Wilson asked the Minister for Employment and Learning if he would consider introducing a scheme, similar to that adopted by the National Assembly for Wales, to subsidise students attending any UK university and domiciled in Northern Ireland.

(AQO 1061/11)

Minister for Employment and Learning: Shortly after the announcement by the Welsh Assembly Government, I indicated that I would be looking carefully at its approach to consider its potential applicability here. I have had discussions with my Welsh counterpart, Leighton Andrews, Minister for Children, Education and Lifelong Learning in Wales about the proposed approach in Wales and my officials have also been liaising with Welsh colleagues regarding the detail of the proposed arrangements.

It is important to remember that, in the context of the Welsh proposals, we in Northern Ireland have a very different pattern of student flows.

Wales is a net importer of students. In academic year 2008/09 almost 8,800 first year full-time undergraduate students entered higher education in Wales from other parts of the United Kingdom, whilst Wales exported only 5,500 similar students. Under the Welsh proposals, these 8,800 students could be charged up to £9,000 per year.

Northern Ireland is a net exporter of students, with fewer than 200 enrolments in the same period from other parts of the United Kingdom while approximately 4,000 Northern Ireland domiciled students enrolled in institutions in Great Britain.

Unfortunately, this essential fact and its impact on the financing of the Welsh proposals mean that it is not really a feasible option for Northern Ireland.

Clearly, the decision by the Welsh Assembly Government to invest very significant sums of public money in meeting any additional fee costs above the current levels for Welsh students, could only be replicated in Northern Ireland at a very significant cost.

University of Ulster: Magee Campus

Mr P Ramsey asked the Minister for Employment and Learning for an update on the plans to increase student numbers at the Magee campus of the University of Ulster.

(AQO 1062/11)

Minister for Employment and Learning: The university has provided a Strategic Outline Case to support its request for additional undergraduate places at the Magee campus. This is subject to ongoing discussions between my Department, the Department of Finance and Personnel and the university. My Department submitted a bid to support the increase in the recent Comprehensive Spending Review.

I would welcome your support and that of your party for ensuring that sufficient resources are available in my Department's final budget to meet the bid. This is ultimately a matter for the Assembly.

Education Maintenance Allowance

Mr W Clarke asked the Minister for Employment and Learning for an estimate of the potential annual savings if proposed cuts to the Education and Maintenance Allowance are imposed.

(AQO 1063/11)

Minister for Employment and Learning: Both my Department and the Department of Education received the findings of the jointly commissioned Review of the Education Maintenance Allowance scheme in Northern Ireland in December 2010. Officials from both Departments are currently

assessing the findings of the report which presents a range of possible options. No decisions, however, have yet been made on the future of the scheme.

I can further advise that the Review Report has been shared with the Employment and Learning Committee. The Committee has recently written to me with a series of proposals relating to this important issue. One of those proposals concerns the need for further pre-consultation engagement and I will wish to give this serious consideration. My Department will also wish to engage fully with the Committee as policy options are developed. Clearly we will want to consider any potential impact on students from the most disadvantaged backgrounds, whom I am committed to supporting.

Any proposals to amend the current provision of the EMA scheme in Northern Ireland will be subject to a public consultation and appropriate equality considerations, as well as taking account of the very difficult budgetary position currently facing my Department.

Department of Enterprise, Trade and Investment

Capital and Resource Investment in the West Belfast Constituency

Mrs D Kelly asked the Minister of Enterprise, Trade and Investment how much her Department spent on (i) capital investment; and (ii) resource investment in the West Belfast constituency, in each of the last two years.

(AQW 4093/11)

Minister of Enterprise, Trade and Investment (Mrs A Foster): The table below sets out the information sought in respect of financial assistance provided by Invest NI within the West Belfast constituency. It should be noted that Invest NI does not allocate budgets by geographic areas such as Parliamentary Constituency Areas.

Assistance patterns are demand-led by those businesses which have come forward with projects suitable for Invest NI assistance.

Financial Year	Resource Assistance Offered (£)	Capital Assistance Offered (£)
2008-09	3,038,556	166,133
2009-10	3,402,041	266,668
Total	6,440,597	432,801

In addition financial assistance provided by NITB within the West Belfast constituency in the last 2 years is listed in the table below:

Financial Year	Resource Assistance Offered (£)	Capital Assistance Offered (£)
2008-09	Nil	Nil
2009-10	23,574	300,000
Total	23,574	300,000

EU Peace II Funding has also provided a total of £914,000 Resource, which was paid to Projects in the West Belfast Constituency in 2008/09.

Invest NI

Mr T Elliott asked the Minister of Enterprise, Trade and Investment to detail (i) the companies with which Invest NI negotiations in relation to job creation are at (a) an advanced stage; or (b) a completed stage of negotiations which have yet to be publicly announced; and (ii) whether she plans to make any such announcements in the near future.

(AQW 4094/11)

Minister of Enterprise, Trade and Investment: As Invest NI's negotiations with companies are commercial in confidence, no details can be released until negotiations are fully concluded and there is a signed Letter of Offer in place. Any premature discussion of companies with which Invest NI may be in discussion could potentially damage the prospects of projects being secured and may also have an adverse effect on a company's commercial interests. Once a project has been successfully secured, Invest NI works closely with the company to publicly announce at the appropriate time.

However, I can assure you that Invest NI continues to work closely with a wide spectrum of locally and externally owned businesses to encourage them to grow and develop, thereby providing increased employment opportunities for the benefit of the whole community.

This has been another very successful year for Invest NI, particularly in their efforts to secure foreign-owned investment projects with high quality jobs, where the results show that the projects delivered have now exceeded the three-year Programme for Government targets. In recent months we have seen significant investment announcements by companies such as Fidessa, Citi, Rigney Dolphin, Allen and Overy, Linden Foods and Market Resource Partners, and I would hope to be able to make a number of further significant announcements prior to the dissolution of the current Assembly later this year.

Training Courses

Mr T Burns asked the Minister of Enterprise, Trade and Investment to detail (i) the number of training courses which members of staff from her Department have attended overseas in each of the last five years; (ii) the names of the course/purpose of the training; (iii) when the courses took place; (iv) the duration of each course; (v) how many members of staff took part in each course; (vi) the grade and branch of each member of staff who took part; (vii) in which country the courses took place (excluding the UK and Republic of Ireland); (viii) the cost of fees for each course and each individual attendee; (ix) the travel expenses incurred by each attendee of each course; (x) the accommodation costs incurred by each attendee of each course; and (xi) the specific name and location of places where each attendee stayed during their travel and attendance on each course.

(AQW 4118/11)

Minister of Enterprise, Trade and Investment: The response to part (i) of the question is provided in the table below.

Year	Number of Overseas Training Courses attended by DETI Staff
2006/2007	3
2007/2008	3
2008/2009	7
2009/2010	7
2010/2011 (to 9/2/11)	1
Total	21

The responses to parts (ii) to (xi) of the question are contained in the table below.

2006/07							
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place	
International Annual Symposium 2007 - EU Funds	To develop understanding of EU Funds	5 - 6 March 2007	2 days	1 x Grade 7	European Programmes Branch	Germany	
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course (£)	Accommodation costs incurred by each attendee of each course (£)	Name and location of attendee's accommodation		
International Annual Symposium 2007 - EU Funds	£727.26	£727.26	£93.37	Information not readily accessible	Not known		
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place	
Leadership in a Changing World Programme 2006	A north/south and UK/Ireland leadership development programme for newly appointed Senior Civil Servants.	27 Nov 06 - 1 Dec 06	6 days	1 x Grade 5	Energy Division	USA	
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course (£)	Accommodation costs incurred by each attendee of each course (£)	Name and location of attendee's accommodation		

2006/07							
Leadership in a Changing World Programme 2006	£4,243.00	£4,243.00	£1,790.20	Campus accommodation charges for this programme were included in the fees	Campus Accommodation - Soldiers Field Park Apartments, Harvard Business School, Cambridge MA		
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place	
Leaders for Tomorrow	A north/south public/private leadership development programme for middle Management level	14 Jan - 3 Feb 2007	21 days	2 x DP	Innovation Policy Unit, Equality & Diversity Unit	USA	
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course (£)	Accommodation costs incurred by each attendee of each course (£)	Name and location of attendee's accommodation		
Leaders for Tomorrow	£12,736.00	£6368 each	£427 each	Campus accommodation charges for this programme were included in the fees	Campus Accommodation - Soldiers Field Park Apartments, Harvard Business School, Cambridge MA		

2007/08						
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place
Leadership in a Changing World Programme 2007	A north/south and UK/Ireland leadership development programme for newly appointed Senior Civil Servants.	4-9 Nov 2007	6 days	1 x Grade 5	Finance & EU Division	USA
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course (£)	Accommodation costs incurred by each attendee of each course (£)	Name and location of attendee's accommodation	
Leadership in a Changing World Programme 2007	£3,823.00	£3,823.00	Information not readily accessible	Campus accommodation charges for this programme were included in the fees	Campus Accommodation - Soldiers Field Park Apartments, Harvard Business School, Cambridge MA	
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place
Leaders for Tomorrow	A north/south public/private leadership development programme for middle Management level	27 Jan - 14 Feb 2008	3 Weeks	2 x DP	Policy Evaluation and Development Unit, Sustainable Energy	USA

2007/08							
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place	
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course (£)	Accommodation costs incurred by each attendee of each course (£)	Name and location of attendee's accommodation		
Leaders for Tomorrow	£11,634.00	£5817 each	£608 each	Campus accommodation charges for this programme were included in the fees	Campus Accommodation - Soldiers Field Park Apartments, Harvard Business School, Cambridge MA		
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place	
European Study Visit	To enhance and consolidate learning in relation to working with the European Institutions	28 Jan - 1 Feb 2008	5 days	1 x DP 1 x SO 1 xEO1 2 x AO	European Programmes, Permanent Secretary's Office, Internal Audit	Belgium	
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course (£)	Accommodation costs incurred by each attendee of each course (£)	Name and location of attendee's accommodation		

2007/08							
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place	
European Study Visit	£2,245.00	£449 each	£86 each	Accommodation charges and bus transport within Belgium are included in the fees	Leuven Institute for Ireland in Europe, Janseniusstraat 1 3000 Leuven Belgium		
2008/09							
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place	
Introductory workshop on state Aid - State Aid Procedures and enforcement	To increase knowledge of State Aid procedures	9 -11 April 08	3 days	1 xDP	Equality & Diversity Unit	The Netherlands	
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course (£)	Accommodation costs incurred by each attendee of each course (£)	Name and location of attendee's accommodation		
Introductory workshop on state Aid - State Aid Procedures and enforcement	£788.00	£788.00	Information not readily accessible	£252.00	Hotel MABI		
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place	

2008/09						
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place
Top Management Programme	To develop senior management skills	26 April - 3 May 08	7 days	1 x Dep Sec	Top Management Team	India - (overseas module of programme)
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course (£)	Accommodation costs incurred by each attendee of each course (£)	Name and location of attendee's accommodation	
Top Management Programme	Programme funded by DRD	Programme funded by DRD	£3,710.00	included in course fee	Not known	
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place
Advanced State Aid Seminar	To increase knowledge of State Aid procedures	26 - 27 June 08	2 days	1 x DP	Equality & Diversity Unit	The Netherlands
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course (£)	Accommodation costs incurred by each attendee of each course (£)	Name and location of attendee's accommodation	
Advanced State Aid Seminar	£670.00	£670.00	£187.00	£168.00	Hotel MABI	
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place

2008/09						
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place
European Study Visit	To enhance and consolidate learning in relation to working with the European Institutions	3 - 7 Nov 2008	5 days	1 x DP 1 xEO2 1 x AO	European Programmes, Energy Markets	Belgium
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course (£)	Accommodation costs incurred by each attendee of each course (£)	Name and location of attendee's accommodation	
European Study Visit	£1,428.00	£476 each	£157 each	included in course fee	Leuven Institute for Ireland in Europe, Janseniussstraat 1 3000 Leuven Belgium	
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place
4th European Annual Symposium EU Funds 2009 Mgt Monitoring and Financial control	To develop understanding of the monitoring and control of EU Funds	16 - 18 March 2009	3 days	1 x DP 1 x SO	Internal Audit	Germany
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course (£)	Accommodation costs incurred by each attendee of each course (£)	Name and location of attendee's accommodation	

2008/09							
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place	
4th European Annual Symposium EU Funds 2009 Mgt Monitoring and Financial control	£2,111.00	£1055.5 each	£127.26 each	£340 each	Grand Hotel Esplanade		
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place	
Leaders for Tomorrow	A north/south public/private leadership development programme for middle Management level	18 Jan - 6 Feb 2009	3 Weeks	2 x SO	Strategic Planning & Economics, Energy Markets	USA	
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course (£)	Accommodation costs incurred by each attendee of each course (£)	Name and location of attendee's accommodation		
Leaders for Tomorrow	£15,040.00	£7520 each	£538 each	Campus accommodation charges for this programme were included in the fees	Campus Accommodation - Soldiers Field Park Apartments, Harvard Business School, Cambridge MA		

2008/09						
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place
State Aid Policy & Practice in the European Community. An Integrative & Interactive Approach	To increase knowledge of State Aid procedures	2 -4 March 2009	3 days	1 x Grade 7	Equality & Diversity Unit	The Netherlands
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course (£)	Accommodation costs incurred by each attendee of each course (£)	Name and location of attendee's accommodation	
State Aid Policy & Practice in the European Community. An Integrative & Interactive Approach	£1,075.00	£1,075.00	£530.24	£252.00	Hotel MABI	

2009/10							
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place	
Reinforced Financial control requirement of EU Funds	To develop understanding of the control of EU Funds	22 -23 Feb 2010	2 days	1 x Grade 7	Internal Audit	Germany	
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course (£)	Accommodation costs incurred by each attendee of each course (£)	Name and location of attendee's accommodation		
Reinforced Financial control requirement of EU Funds	£996.48	£996.48	£151.86	Information not readily accessible	Not known		
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place	
5th European Annual Symposium "EU Fund 2010 ERD, ESF, CF, EAFRD, EFF	To develop understanding of EU Funds	22- 24 March 2010	3 days	1 x S0 1 x EO1	Internal audit	Germany	
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course (£)	Accommodation costs incurred by each attendee of each course (£)	Name and location of attendee's accommodation		
5th European Annual Symposium "EU Fund 2010 ERD, ESF, CF, EAFRD, EFF	£2,352.00	£1176 each	£136.17 each	£360 each	Grand Hotel Esplanade		

2009/10							
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place	
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place	
Update on Policy & Legal development in State Aid	To increase knowledge of State Aid procedures	25 - 26 June 2009	2 days	1 x Grade 7	Equality & Diversity Unit	The Netherlands	
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course (£)	Accommodation costs incurred by each attendee of each course (£)	Name and location of attendee's accommodation		
Update on Policy & Legal development in State Aid	£706.47	£706.47	Information not readily accessible	£168.00	Hotel MABI		
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place	
Toward Economic regeneration Study Visit	To explore ways of sharing strategies for economic success	9 - 19 June 2009	10 days	1 x Grade 7 1 x DP	European Programmes Branch & Strategic Planning & Economics Branch	USA	
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course (£)	Accommodation costs incurred by each attendee of each course (£)	Name and location of attendee's accommodation		

2009/10						
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place
Toward Economic regeneration Study Visit	No Cost - sponsored by US Govt	No Cost- sponsored by US Govt	No Travel Expenses - sponsored by US Govt	No accomodation costs - sponsored by US Government	Not known	
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place
Leaders for Tomorrow	A north/south public/private leadership development programme for middle Management level	17 - 29 January 2010	2 weeks	1 x DP	Finance Accounts Branch	USA
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course(£)	Accommodation costs incurred by each attendee of each course(£)	Name and location of attendee's accommodation	
Leaders for Tomorrow	£6,782.00	£6,782.00	£437.00	Campus accommodation charges for this programme were included in the fees	Campus Accommodation - Soldiers Field Park Apartments, Harvard Business School, Cambridge MA	
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place

2009/10							
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place	
Federal Executive Institute - Leadership for a Democratic Society Programme	An international leadership programme which addresses the active leadership role required of career senior executives and the democratic values and beliefs that underpin leadership	27 Sep - 23 Oct 2009	4 weeks	1 x Grade 5	Energy Division	USA	
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course (£)	Accommodation costs incurred by each attendee of each course (£)	Name and location of attendee's accommodation		
Federal Executive Institute - Leadership for a Democratic Society Programme	£11,359.00	£11,359.00	£1,667.74	Campus accommodation charges for this programme were included in the fees	Campus Accommodation - Soldiers Field Park Apartments, Harvard Business School, Cambridge MA		
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place	

2009/10						
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place
European Study Visit	To enhance and consolidate learning in relation to working with the European Institutions	22 - 26 Mar 2010	5 days	1 x DP 1 x SO 1 xEO1 1x EO2	European P'grammes; Sustainable Energy; Telecoms.	Belgium
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course (£)	Accommodation costs incurred by each attendee of each course (£)	Name and location of attendee's accommodation	
European Study Visit	£2,632.00	£658 each	£190 each	Accommodation charges and bus transport within Belgium are included in the fees	Leuven Institute for Ireland in Europe, Janseniusstraat 1 3000 Leuven Belgium	

2010/11						
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place
8th Experts' Forum on New Developments in European State Law	To develop understanding of European State Law	10-11 June 2010	2 days	1 x DP	Equality & Diversity Unit	Belgium
Name of course	Total Cost of fees for course (£)	Cost of fees for each attendee (£)	Travel expenses incurred by each attendee of each course (£)	Accommodation costs incurred by each attendee of each course (£)	Name and location of attendee's accommodation	

2010/11						
Name of course	Purpose of course	When the course took place	Duration of each course	Number and grade of attendees	DETI Branch of attendees	Country in which course took place
8th Experts' Forum on New Developments in European State Law	£811.12	£811.12	£261.12	£430.00	Crown Plaza Brussels	

Lough Neagh

Mr S Moutray asked the Minister of Enterprise, Trade and Investment for an update on the Department's work to promote Lough Neagh as a tourist destination.

(AQW 4173/11)

Minister of Enterprise, Trade and Investment: NITB implements a series of seasonal marketing campaigns in Northern Ireland and the Republic of Ireland to grow both visitor numbers and spend to Northern Ireland. Lough Neagh has been featured extensively and most recently has appeared in the campaigns for Spring 2009, 2010 and 2011; Gateway/Summer 2009 and 2010; and Autumn 2009 and 2010.

The Draft Tourism Strategy for Northern Ireland to 2020 has identified Lough Neagh as a potential "key tourism area". To successfully develop and promote product within relevant "key tourism areas" the Strategy recommends that it is the primary responsibility of the Local Authorities to develop and implement Tourism Area Plans in partnership with local tourism providers in the public and private sector.

NITB will support local areas by providing research, intelligence and advice in developing plans, aligning marketing and promotional activity and developing and implementing technology solutions to transform the provision and distribution of visitor information.

Tourism Ireland features Lough Neagh as part of its extensive global destination marketing programme. The aim is to raise awareness of Lough Neagh, and the areas surrounding it, as a tourism destination.

Fixed Line Broadband Services in Rural Areas

Mr P McGlone asked the Minister of Enterprise, Trade and Investment for her assessment of the availability of fixed line broadband services in rural areas, particularly in areas that have not benefited from the BT Next Generation Broadband project.

(AQW 4230/11)

Minister of Enterprise, Trade and Investment: Broadband services in Northern Ireland are delivered using a range of technologies. These include fixed line (over existing telephone lines), fixed wireless and satellite. Over 99% of premises are capable of having broadband services delivered using fixed line technology. There is no obligation on the telecommunications industry to ensure that every customer has access to a fixed line service.

When complete in May of this year, some £13m of government funds will have been spent improving services in rural areas under the Next Generation Broadband Project and at least 85% of businesses across Northern Ireland will be able to benefit from access to faster broadband services. I recognise that there will be some areas that will not have benefited from this particular project but we have supported a number of other schemes to improve services to rural areas. These have been targeted at areas that have proved particularly difficult to deliver broadband services via fixed lines. I will of course be continuing to work to improve the quality of broadband across all of Northern Ireland.

Research and Development

Mr C Lyttle asked the Minister of Enterprise, Trade and Investment how much her Department spent on research and development in each of the last five years.

(AQW 4236/11)

Minister of Enterprise, Trade and Investment: The Agency's expenditure on support for R&D activity for each of the last 5 financial years is as follows:

Financial Year	Invest NI Expenditure on R&D Programmes
2006/07	£16,152k
2007/08	£14,344k
2008/09	£19,425k
2009/10	£32,742k
2010/11	£45,701k (projected)

Invest NI's 2008 - 2011 Corporate Plan contains a commitment to target more expenditure on R&D and innovation programmes. As a result, the focus on R&D and innovation has indeed intensified over the past 3 years. This is reflected in the year-on-year rise in R&D expenditure.

Consultation Documents

Mr P J Bradley asked the Minister of Enterprise, Trade and Investment to list the number and titles of all consultation documents issued by her Department since May 2007.

(AQW 4251/11)

Minister of Enterprise, Trade and Investment: The Department of Enterprise, Trade and Investment has issued 41 consultation documents in the period May 2007 – 31 January 2011, as detailed in the table below.

No	Title	Date Issued
1	Consultation On Draft Electricity (Class Exemptions From The Requirement For A Licence) (Amendment) Order (Northern Ireland) 2007	July 2007
2	The Designation of Belfast Transmission Pipeline - Notice under Article 59 of the Energy (Northern Ireland) Order 2003	August 2007
3	Consultation on the Gas Conveyance Exclusivity Extension for Phoenix Natural Gas	October 2007
4	Consultation of Draft Legislation relating to Offshore Electricity Developments	November 2007
5	DETI Corporate Plan 2008 – 11	March 2008
6	Consultation on the Gas Conveyance Exclusivity Extension for Phoenix Distribution (Northern Ireland) Limited	August 2008
7	Draft Equality Impact Assessment – Telecommunications Policy Unit	September 2008
8	Consultation on the Proposed Reform of Northern Ireland Renewables Obligation (NIRO)	
9	Licence Criteria for Gas Licence Applications and Applications for Consent to Construct Major Pipelines or Gas Storage Facilities	October 2008
10	Northern Ireland Strategic Energy Framework 2009, Pre-Consultation Scoping Paper	November 2008
11	Consultation on draft Gas (Supplier of Last Resort) Regulations (Northern Ireland) 2009	January 2009

No	Title	Date Issued
12	Proposed Debt Relief Scheme for Northern Ireland	February 2009
13	Statutory consultation on the revocation of the supply element and the modification of the conveyance element of the Phoenix Natural Gas Limited Combined Licences for the conveyance and supply of natural gas.	March 2009
14	Energy Billing and Metering - Changing Customer Behaviour	April 2009
15	Consultation on Proposals for an Unsolicited Services (Trade and Business Directories) Bill	May 2009
16	Gas Bill Policy Consultation	July 2009
17	A Draft Strategic Energy Framework for Northern Ireland 2009	
18	The Tourism (Northern Ireland) Order (Amendment) Bill 2010	
19	The Statutory Regulation of Tourist Accommodation in Northern Ireland	
20	Draft Cross Departmental Bioenergy Action Plan	August 2009
21	Consultation on Draft Social Economy Enterprise Strategy 2009-11	
22	Implementation of the Hydrocarbons Licensing Directive in Northern Ireland	
23	Disability Action Plan 2009/10	September 2009
24	Independent Review of Economic Policy (IREP)	October 2009
25	Proposed Changes to the Northern Ireland Renewables Obligation 2010	
26	Consultations On The Implementation Of Unbundling Provisions Of The 2009 Electricity Directive (2009/72/Ec) And The 2009 Gas Directive (2009/73/EC)	December 2009
27	Consultation of Offshore Renewable Energy Strategic Action Plan 2009-2020	
28	Draft Tourism Strategy for Northern Ireland to 2020	February 2010
29	Proposals for regulatory reform of Credit Unions in Northern Ireland	March 2010
30	Anaerobic Digestion (AD) Call for Evidence	April 2010
31	Disability Action Plan 2010/11	May 2010
32	Onshore Renewable Electricity Strategic Environmental Assessment Scoping Document	June 2010
33	Consultation on proposed amendment to the Gas (Applications for licence and extensions) Regulations (Northern Ireland) 1996	July 2010
34	Proposed Changes to the Northern Ireland Renewables Obligation (NIRO)	
35	Consultation on changes to renewable electricity guarantees of origin (REGOS)	

No	Title	Date Issued
36	Revision of the Northern Ireland Fuel Security Code	August 2010
37	Consultation on the Implementation of the EU Third Internal Energy Package	December 2010
38	Consultation on Incentivisation for Offshore Renewable Energy Generation	
39	NI Executive Economic Strategy – Consultation on Priorities for Sustainable Growth and Prosperity	January 2011
40	Draft Equality Scheme	
41	Draft Budget 2010 Spending Proposals and Saving Delivery Plans	

Health and Safety Executive for Northern Ireland

Mr P Butler asked the Minister of Enterprise, Trade and Investment to detail the level of funding her Department has allocated to the Health and Safety Executive for Northern Ireland in each of the last five years.

(AQW 4276/11)

Minister of Enterprise, Trade and Investment: The following table provides information on funding allocated to the Health and Safety Executive for Northern Ireland for the last five financial years:

					£000's
	2006-07	2007-08	2008-09	2009-10	2010-11
HSENI Budget Allocation	4,014	3,970	4,162	6,183	6,385

Board of the Presbyterian Mutual Society

Mr A Maginness asked the Minister of Enterprise, Trade and Investment (i) how many of the former directors of the Board of the Presbyterian Mutual Society are being proceeded against by way of disqualification proceedings in the High Court; (ii) what criteria was used to determine the disqualification cases to be initiated by her Department; (iii) whether any representations written, or otherwise, were made to her Department in relation to these proceedings; and (iv) what consideration was given to any representations made.

(AQW 4307/11)

Minister of Enterprise, Trade and Investment:

- (i) Disqualification proceedings have been issued against six persons.
- (ii) The criteria used in all cases is whether it appears to the Department that it is expedient in the public interest that a disqualification order should be made against any person.
- (iii) The Department sent notice of its intention to commence disqualification proceedings to all six respondents and representations in writing were received before proceedings were issued.
- (iv) The Department gave due consideration to the representations made.

Invest NI

Lord Empey asked the Minister of Enterprise, Trade and Investment to detail the limits imposed on the level of selective financial assistance offered to new investors by Invest NI and when these limits apply.

(AQW 4341/11)

Minister of Enterprise, Trade and Investment: Under the European Commission's state aid regulations, Selective Financial Assistance (SFA) is classified as Regional Aid. As such, the SFA that Invest NI can offer to new investors is based on either the value of a project's eligible capital investment or the wages associated with the creation of new jobs.

The limits on SFA available to new investors in Northern Ireland depend on the investor's size and the location of the project in Northern Ireland. For the period 1 January 2011 to 31 December 2013, the maximum contribution levels of SFA towards a project's eligible costs are detailed in the table below.

Project Location	Company Size		
	Large	Medium	Small
Belfast District Council Area	10%	20%	30%
Rest of Northern Ireland	15%	25%	35%

The rates above reflect a reduction compared to the rates that were applicable in Northern Ireland over the period 1 January 2007 to 31 December 2010, as detailed below.

Project Location	Company Size		
	Large	Medium	Small
All of Northern Ireland	30%	40%	50%

Company size is determined by the European Commission's definition of Small and Medium Sized Enterprises (SMEs) which, subject to ownership or group structure, defines SMEs as follows:

Enterprise Category	Headcount	Turnover	or	Balance Sheet Total
Medium-Sized	< 250	≤ € 50 million		≤ € 43 million
Small	< 50	≤ € 10 million		≤ € 10 million

Each offer of SFA made by Invest NI is the product of robust negotiation process. Given the imperative to secure investment at the minimum cost to the public purse, in many cases offers are considerably below the maximum available. Indeed the average ratio of SFA support to total project investment over the period 2007/08 to 2009/10 was 12%. In addition to SFA, new investors can access a range of support measures from Invest NI, including Research & Development support and assistance with training costs.

Electricity Generated from Indigenous Renewable Sources

Mr P Weir asked the Minister of Enterprise, Trade and Investment what percentage of electricity is generated from indigenous renewable sources.

(AQW 4378/11)

Minister of Enterprise, Trade and Investment: In the year ended 31 December 2010, the annual average percentage of electricity generated from indigenous renewable sources was 8.37%. Across the 12 month period, this ranged from 4.73% in February to 12.48% in October. While this is lower than the figure for 2009, with the number of renewable energy planning applications and the increase in generation from non-wind technologies that is emerging, there should be sufficient capacity to meet the 2012 target of 12%.

Department of the Environment

Overseas Training Courses for Staff

Mr T Burns asked the Minister of the Environment to detail (i) the number of training courses which members of staff from his Department have attended overseas in each of the last three years; (ii) the names of the course/purpose of the training; (iii) when the courses took place; (iv) the duration of each course; (v) how many members of staff took part in each course; (vi) the grade and branch of each member of staff who took part; (vii) in which country the courses took place (excluding the UK and Republic of Ireland); (viii) the cost of fees for each course and each individual attendee; (ix) the travel expenses incurred by each attendee of each course; (x) the accommodation costs incurred by each attendee of each course; and (xi) the specific name and location of places where each attendee stayed during their travel and attendance on each course.

(AQW 4075/11)

Minister of the Environment (Mr E Poots): The Department's records indicate that the number of staff in the Department who attended training courses at overseas locations in the last 5 years is as follows:

2006	3
2007	2
2008	7
2009	2
2010	1
2011	None to date

Where available the additional information requested in relation to these courses held at overseas locations is listed in the tables below.

[SEE OVERLEAF]

YEAR: 2006

Name of Course	Date	Duration	Grade of Attendee	Branch of Attendee	Location: Country	Cost of Course Fees (£)	Travel Expenses (£)	Accommodation Costs	Specific Name and location of Accommodation
Leaders for Tomorrow	26/11/06 1/12/06	6 days	Grade 5	Northern Ireland Environment Agency – Built Heritage	USA	4,243	Not available	Campus accommodation charges for this programme were included in the fees.	Campus Accommodation - Soldiers Field Park Apartments, Harvard Business School, Cambridge MA
Senior Professional Administrative Training Scheme (SPATS)	16/10/06 18/10/06	6 days	PPTO	Planning Service – Development Control	Belgium	1,250	0	Accommodation charges included in course fees.	Hotel Leopold, Brussels, Belgium
Senior Professional Administrative Training Scheme (SPATS)	16/10/06 18/10/06	6 days	Grade 6	Planning Service – Development Control	Belgium	1,250	167		

Purpose of Courses:

Leadership in a Changing World

A north/south and UK/Ireland leadership development programme for newly appointed Senior Civil Servants.

Senior Professional Administrative Training Scheme (SPATS)

Equips professionals with the wider, knowledge, skills and experience needed for senior management.

YEAR: 2007

Name of Course	Date	Duration	Grade of Attendee	Branch of Attendee	Location: Country	Cost of Course Fees (£)	Travel Expenses (£)	Accommodation Costs	Specific Name and location of Accommodation
Leaders for Tomorrow	14/01/07 03/02/07	3 weeks	Staff Officer	Planning Service – Development Control	USA	6,368	427	Campus accommodation charges for this programme were included in the fees.	Campus Accommodation - Soldiers Field Park Apartments, Harvard Business School, Cambridge MA
Leaders for Tomorrow	14/01/07 03/02/07	3 weeks	SPTO	Planning Service – Development Control	USA	6,368	427		

Purpose of Courses:

Leaders for Tomorrow

A north/south public/private leadership development programme for middle management level.

YEAR: 2008

Name of Course	Date	Duration	Grade of Attendee	Branch of Attendee	Location – Country	Cost of Course Fees (£)	Travel Expenses (£)	Accommodation Costs	Specific Name and location of Accommodation
European Study Visit	26/01/08 01/02/08	5 days	Deputy Principal	Northern Ireland Environment Agency, Corporate Services	Belgium	449	86	Accommodation charges and bus transport within Belgium are included in the fees.	Leuven Institute for Ireland in Europe Janseniusstraat 1 3000 Leuven Belgium
European Study Visit	26/01/08 01/02/08	5 days	Staff Officer	Environmental Policy Division	Belgium	449	86		
European Study Visit	26/01/08 01/02/08	5 days	Staff Officer	Environmental Policy Division	Belgium	449	86		
European Study Visit	03/11/08 07/11/08	5 days	Staff Officer	Environmental Policy Division	Belgium	476	157		

Name of Course	Date	Duration	Grade of Attendee	Branch of Attendee	Location – Country	Cost of Course Fees (£)	Travel Expenses (£)	Accommodation Costs	Specific Name and location of Accommodation
Leaders for Tomorrow	27/01/08 14/02/08	3 weeks	Grade 7	DOE – Corporate Services	USA	5,817	608	Campus accommodation charges for this programme were included in the fees.	Campus Accommodation - Soldiers Field Park Apartments, Harvard Business School, Cambridge MA
Leadership in a Changing World	02/11/08 07/11/08	6 days	Grade 5	Planning and Natural Resources Division	USA	5,375	Not available		
Leadership in a Changing World	02/11/08 07/11/08	6 days	Grade 5	Northern Ireland Environment Agency – Water Management Unit	USA	5,375	Not available		

Purpose of Courses:

European Study Visit

To enhance and consolidate learning in relation to working with the European Institutions.

Leaders for Tomorrow

A north/south public/private leadership development programme for middle management level.

Leadership in a Changing World

A north/south and UK/Ireland leadership development programme for newly appointed Senior Civil Servants.

YEAR: 2009

Name of Course	Date	Duration	Grade of Attendee	Branch of Attendee	Location – Country	Cost of Course Fees (£)	Travel Expenses (£)	Accommodation Costs	Specific Name and location of Accommodation
Leaders for Tomorrow	18/01/09 06/02/09	3 weeks	Deputy Principal	DOE – Corporate Services	USA	7,520	538	Campus accommodation charges for this programme were included in the fees.	Campus Accommodation - Soldiers Field Park Apartments, Harvard Business School, Cambridge MA
Leaders for Tomorrow	18/01/09 06/02/09	3 weeks	Deputy Principal	Northern Ireland Environment Agency – Water Management Unit	USA	7,520	538		

Purpose of Courses:

Leaders for Tomorrow

A north/south public/private leadership development programme for middle management level.

YEAR: 2010

Name of Course	Date	Duration	Grade of Attendee	Branch of Attendee	Location – Country	Cost of Course Fees (£)	Travel Expenses (£)	Accommodation Costs	Specific Name and location of Accommodation
Leaders for Tomorrow	17/01/10 29/01/10	2 weeks	Grade 7	Road Safety Division	USA	6,782	437	Campus accommodation charges for this programme were included in the fees.	Campus Accommodation - Soldiers Field Park Apartments, Harvard Business School, Cambridge MA

Purpose of Courses:

Leaders for Tomorrow

A north/south public/private leadership development programme for middle management level.

Pass and Fail Rates for Driving Tests

Mr R McCartney asked the Minister of the Environment to detail the pass and fail rates for driving tests in each of the last three years, broken down by test centre.

(AQW 4109/11)

Minister of the Environment: The information requested has been included in the following table. It details the pass and fail rates for all driving tests in each of the last three financial years, including the period from 1 April to 30 December 2010, broken down by test centre.

Investment in the West Belfast Constituency

Mrs D Kelly asked the Minister of the Environment how much his Department spent on (i) capital investment; and (ii) resource investment in the West Belfast constituency, in each of the last two years.

(AQW 4198/11)

Minister of the Environment: In the West Belfast constituency, in each of the last two years (2008/09 and 2009/10), my department provided no capital investment. However resource investment of £255,970 (2008/09) and £298,144 (2009/10) was provided in the form of grants to various Non Government Organisations (NGOs).

Research and Development Spending

Mr C Lyttle asked the Minister of the Environment how much his Department spent on research and development in each of the last five years.

(AQW 4237/11)

Minister of the Environment: The table below provides the costs incurred by my Department in relation research and development in each of the last five years.

DOE	2005/06 £'000	2006/07 £'000	2007/08 £'000	2008/09 £'000	2009/10 £'000
Research and Development Costs	1,407	2,278	1,675	1,648	1,664

Six Mile Water River

Mr D Kinahan asked the Minister of the Environment to list all sites that have permission to discharge into the Six Mile Water river.

(AQW 4268/11)

Minister of the Environment: Under the Water (Northern Ireland) Order 1999, it is an offence to discharge any trade or sewage effluent, including site drainage liable to contamination, to any waterway, or any water contained in underground strata, from any commercial, industrial or domestic premises, without the consent of the Department of the Environment.

The Northern Ireland Environment Agency (NIEA) administers a system of discharge consents which lay down conditions relating to the quality and quantity of effluent that may be discharged.

The table below lists the sites which currently have permission to discharge into the Six Mile Water River. In summary, there are 89 Industrial discharges and 12 Northern Ireland Water Asset discharges that have permission to discharge into the Six Mile Water River.

The Department have also consented a number of Single Domestic Dwellings which discharge into the Six Mile Water River, however, the domestic consent database is not configured to identify specific discharge points.

All Sites that have Permission to Discharge into the Six Mile Water.

Company	Address
Boville and McMullan Ltd	Ladyhill Quarry
The Hilton Templepatrick	Castle Upton Estate
Dunbrik (Ulster) Ltd	20 Ballypalady Road
Newtownabbey Borough Council	Bruslee Waste Disposal Site
Antrim Hills Spring Water Co	100 Irish Hill Road
Biffa Waste (prev. UK Waste Management)	64 Green Road
MAR Properties Ltd	Craighill Quarry
Straid Fishery	Straid Lake
Jackson Group	745 Antrim Road
Biffa Waste Services Ltd	Cottonmount Landfill Site
Messrs Thomas Meekin & Son	Lylehill Road East
Roadmix Ltd	60 Ballycraigy Road
Northstone (NI) Ltd	Newtownabbey Road
Ready Mixed Concrete (Ulster) Ltd	1 Sealstown Road
Tarmac Northern Ltd	Hightown Quarry
Macwill Services	Hightown Landfill Site
Richard Atkinson & Co Ltd	10 Nicholson Drive
British Telecom NI	Hydebank Industrial Estate
Doagh Spinning Co Ltd	20 Mill Road
R S Properties	11 Kilbride Road
Ballyclare Golf Club	25 Springvale Road
Maloneys Bar & Restaurant	401 - 403 Ballyclare Road
B A Shaw Contractors Ltd	The North Adam Yard (6 dwellings)
Beechwood Laboratories	120 Ballymena Road
Linnodee Ltd	45 Holystone Road
Northstone (NI) Ltd	Bernice Road
James Boyd & Sons	140 Mallusk Road
Mahaffey & Hook	Waste Disposal Site at A8 Bruslee/Carntall
Springvale EPS Ltd	75 Springvale Road
R S Properties	Kilbride Road Warehouse
ACI Developments Ltd	M2 Distribution Park
Hagan Homes Ltd	Huntingdale Grange Housing Development
Simpson Developments Ltd	Huntingdale Court & Green Housing Development

Company	Address
Biffa Waste Services Ltd	Waste Disposal Site opp 209 Seven Mile Straight
Biffa Waste Services Ltd	Waste Disposal Site at rear of 75 Ballyutoag Road
Biffa Waste Services Ltd	Waste Disposal Site to rear of 42 Ballypalady Road
Biffa Waste Services Ltd	70 Ballylaggan Road Waste Disposal Site
Schrader Electronics Ltd	11 Technology Park
Simpson Developments Ltd	Victoria Road Housing Development
Simpson Developments Ltd	Opposite 60 Ballyutoag Road
Osborne Homes	Housing Development at 740 Antrim Road
Osborne Homes	Housing Development at 2, 3, 4 & 5 South Adam Yard
Antrim Borough Council	Antrim Civic Offices
Junction One Ltd	Ballymena Road
Templepatrick Baptist Church	Clady Road
Orpins Mill Management Ltd	2 Orpins Mill Road
D R Mitchell Ltd	Mayfield Manor Development
Logan Property	202 Ballycor Road
N.E.E.L.B	Loanends Primary School
McQuillan Envirocare Ltd	Newpark Industrial Estate
McQuillan Envirocare Ltd	15 Rathbeg Road
Bryson House Recycling	Belfast Road
Ballyvesey Lodge Management Company	Ballyvesey Lodge
Fordclose Ltd	Housing Development at 45 Breckenhill Road
Woodside Haulage Ltd	61 Carrickfergus Road
Woodside Haulage Ltd	38 & 40 Upper Ballyboley Road
Kilbride Presbyterian Church	Moyra Road
Hayes Fuels	50 Ballyutoag Road
Henry Bros (Magherafelt) Ltd	Parkgate Quarry
Wilson Property Limited	Tourist retreat accommodation
Karl Construction Ltd	Muckamore House
T & C Developments Ltd	Site A Carnearney Lane
T & C Developments Ltd	Site B Carnearney Lane
NM Developments	Lands on the Antrim Road, Mallusk
Ministry of Defence	Massereene Barracks (6 Discharge Points)
Toland House Limited	Glendoyle Cottages 3 & 5 Lower Rashee Road
Jack Armstrong Developments Ltd	Site SE of 79 Doagh Road

Company	Address
North Eastern Education & Library Board	Rathmore Educational Guidance Centre
CAFRE	CAFRE - 2 Dwellings at 57 Hollybank Road
CAFRE	Shanogue House – Seven Mile Straight
Oregano Restaurant	29 Ballyrobert Road
Greenmount Campus, CAFRE	22 Greenmount Road
Massereene Golf Club	Greenkeepers Shed - 40 Oldstone Road and the Stable House
WJB Moore Building Contractors Ltd	40A, 42 Ballynoe Road
WJB Moore Building Contractors Ltd	24 - 26 Brookfield Road
WJB Moore Building Contractors Ltd	201 Hillhead Road
Ballyvessey Recycling Solutions Ltd	50 Trench Road
Northern Health & Social Services Trust	Springfarm Road
James Boyd and Sons	Lands between Bernice Road, Mallusk Road, and Clarkeslodge Road
James Boyd and Sons	101 Braepark Road
Logwood Mill Plant Centre Ltd	8 Logwood Road
Logwood Mill Plant Centre Ltd	25 Newmill Road
Charles Hurst Ltd	547 Antrim Road
The Elisabeth Svendsen Trust for Children and Donkeys	72 Ballymartin Road
Northern Ireland Water - Waste Water Treatment Works	66 - 72 Ballybentragh Road
Northern Ireland Water - Waste Water Treatment Works	36 – 38 Rickamore Road
Northern Ireland Water - Waste Water Treatment Works	Ballyclare
Northern Ireland Water - Sewage Pumping Station	Henryville
Northern Ireland Water – Sewage Pumping Station	Ballyclare Industrial Estate
Northern Ireland Water – Sewage Pumping Station	Huntingdale Court
Northern Ireland Water – Combined Storm Overflow	BALLYEASTON
Northern Ireland Water – Combined Storm Overflow	DOAGH
Northern Ireland Water – Combined Storm Overflow	MILL ROAD

Company	Address
Northern Ireland Water – Combined Storm Overflow	BALLYNURE ROAD
Northern Ireland Water – Combined Storm Overflow	DOAGH VILLAGE
Northern Ireland Water – Combined Storm Overflow	Park St

Six Mile Water River

Mr D Kinahan asked the Minister of the Environment when he intends to publish the results from the Water Framework Directive in relation to the Six Mile Water river.

(AQW 4271/11)

Minister of the Environment: The first water quality status classification results for the Six Mile Water were published in 2009 as part of the River Basin Management Plans (RBMPs) for Northern Ireland. The classifications will be updated annually and it is planned to publish the next set of results by April 2011.

District Council Areas and Staffing

Mr P Weir asked the Minister of the Environment to detail the current (i) population served by each District Council area; and (ii) number of whole-time equivalent posts in each District Council.

(AQW 4317/11)

Minister of the Environment: Information relating to the population served by each District Council area is not held centrally by my Department. However, the table below, which includes the requested details of whole time equivalent posts in District Councils, shows the population distribution according to 2009 mid-year estimates published by the Northern Ireland Statistics Research Agency (NISRA).

Council	(i) 2009 Mid Year population estimates	(ii) Full Time equivalent posts 2009/2010
Antrim	54,030	276
Ards	78,100	383
Armagh	58,824	304
Ballymena	63,162	256
Ballymoney	30,439	126
Banbridge	47,565	211
Belfast	268,398	2,444
Carrickfergus	40,115	187
Castlereagh	66,752	357
Coleraine	57,083	363
Cookstown	36,283	200
Craigavon	92,360	497
Derry	109,620	634

Council	(i) 2009 Mid Year population estimates	(ii) Full Time equivalent posts 2009/2010
Down	70,296	317
Dungannon & S Tyrone	56,439	267
Fermanagh	62,397	284
Larne	31,441	195
Limavady	33,988	147
Lisburn	116,471	499
Magherafelt	44,200	171
Moyle	16,942	110
Newry & Mourne	98,720	435
Newtownabbey	83,406	390
North Down	79,567	405
Omagh	52,427	280
Strabane	39,871	187
Total	1,788,896	9,925

Managing Waste

Mr D Kinahan asked the Minister of the Environment for an update on the three waste companies' plans for managing waste, including when final decisions will be made on the purchasing of sites.
(AQW 4342/11)

Minister of the Environment: The current Waste Management Plans of all three Waste Management Groups were formally adopted by the Department on 15 December 2006. The Waste Management Groups have recently submitted for consideration by the Department, draft Annual Reports documenting their progress in implementation of their respective Waste Management Plans in the period 2009 to 2010.

Each of the Waste Management Groups reports significant progress against targets, including a reduction in the amount of waste collected, a reduction in the percentage of waste landfilled, and an increase in the percentage of waste sent for recycling and composting. They have also taken forward a number of waste education and awareness initiatives, and promoted waste prevention.

The Waste Management Groups continue to advance the public procurement processes through which they have each invited bidders to apply for the contract to provide the facilities and services required. They are all currently in competitive dialogue and are therefore bound by the regulatory requirements governing the conduct of negotiations with bidders. The sites which bidders propose to use are commercially sensitive elements of their overall bid and as such information relating to them cannot enter the public domain at this stage. There are a number of factors which will determine when that can take place, including the selection by a Waste Management Group of a preferred bidder and/or the submission of a planning application. At the appropriate time, more detailed information, including the specific sites involved and plans for site acquisition, will become public knowledge.

Greenhouse Gas Emissions

Mr P Weir asked the Minister of the Environment how greenhouse gas emissions now compare with 1990 levels.

(AQW 4379/11)

Minister of the Environment: In 2008, the latest available figures, greenhouse gas emissions in Northern Ireland reduced by 11.2% compared with 1990 levels.¹

Source: Greenhouse Gas Inventories for England, Scotland, Wales and Northern Ireland: 1990-2008

PPS 21

Mr P Givan asked the Minister of the Environment how many planning applications have been approved since the introduction of the draft PPS 21 and the finalised version of PPS 21 in each District Council area.

(AQW 4396/11)

Minister of the Environment: The information requested has been extracted from my Department's annual and quarterly management reports. The most recently published information is up to the period September 2010. The next quarterly report is due to be published in March 2011. Details on PPS 21 approvals are set out in the following table.

District Council Area	Planning Applications Approved since the publication of draft PPS 21 on 25th Nov 2008	Planning Applications Approved since the publication of finalised PPS 21 on 1st June 2010
Antrim	66	16
Ards	27	5
Armagh	46	11
Ballymena	64	5
Ballymoney	32	1
Banbridge	92	20
Belfast	0	0
Carrickfergus	7	1
Castlereagh	3	0
Coleraine	13	3
Cookstown	25	12
Craigavon	42	3
Derry	36	10
Down	32	6
Dungannon	64	45
Fermanagh	93	23
Larne	19	5
Limavady	31	6

¹ Source: Greenhouse Gas Inventories for England, Scotland, Wales and Northern Ireland: 1990-2008

District Council Area	Planning Applications Approved since the publication of draft PPS 21 on 25th Nov 2008	Planning Applications Approved since the publication of finalised PPS 21 on 1st June 2010
Lisburn	23	13
Magherafelt	121	19
Moyle	32	5
Newry & Mourne	215	17
Newtownabbey	5	1
North Down	0	1
Omagh	54	20
Strabane	24	4
Total	1166	252

Please note that all data in the quarterly statistical bulletins and all data derived from the quarterly datasets are provisional. Final figures for 2010/11 will be published in the 2010/11 annual report.

Investigation into 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 and whether a file has been submitted to the Public Prosecution Service.

(AQW 4467/11)

Minister of the Environment: A full criminal investigation into an incident of illegal dumping at Ballyhornan Road, Downpatrick has been conducted by the NIEA Environmental Crime Unit. The file has not yet been submitted to PPS, however the pre-submission review has been completed and NIEA is currently finalising the file for submission to PPS this month.

Department of Finance and Personnel

Rates Evaluations

Mr D Kinahan asked the Minister of Finance and Personnel what action he is taking to ensure that the rates evaluations carried out by Land and Property Services are not challenged in court for being inaccurate.

(AQW 3824/11)

Minister of Finance and Personnel (Mr S Wilson): In law, ratepayers in Northern Ireland have a statutory right to challenge their rating valuation assessment at any point in time during the lifetime of a Valuation List. The process consists of three stages:

Stage 1 - Application to the District Valuer for the District Council area within which the property is situated.

Stage 2 - If dissatisfied with the District Valuer's decision, the ratepayer can appeal to the Commissioner of Valuation for Northern Ireland.

Stage 3 - If dissatisfied with the Commissioner's decision, domestic ratepayers can appeal to the Northern Ireland Valuation Tribunal, and non-domestic ratepayers can appeal to the Lands Tribunal for Northern Ireland.

Since 2007, there have been only 61 domestic appeals decided by the Northern Ireland Valuation Tribunal. This is an extremely low number in comparison to the 766,000 domestic properties in Northern Ireland. In the same period there has been only one appeal by a non-domestic ratepayer actually heard by the Lands Tribunal for Northern Ireland.

I am satisfied that proper processes are in place to ensure that valuations are reviewed before reference to tribunals.

NI Water: Costs

Mr C McDevitt asked the Minister of Finance and Personnel to detail the contribution made towards the costs of NI Water by (i) domestic rate payers; and (ii) non-domestic ratepayers in the 2009/10 financial year.

(AQW 4112/11)

Minister of Finance and Personnel: It is not possible to detail the contribution made by either domestic or non-domestic ratepayers towards specific areas of funding, given that rates are an unhypothecated tax. While a contribution is made by domestic and non-domestic ratepayers towards supporting regional public services, including water and sewerage services, there is no specific proportion of any rates bill that can be linked to the funding of NI Water.

Separate water charges, however, are levied on non domestic customers and metering is the normal method of working out the charge. Those that are not yet metered pay a variable charge depending on the net annual value of the property in question. This policy is the responsibility of the Department for Regional Development with billing and collection the responsibility of NI Water. It does not comprise part of a rates bill.

Investment in the West Belfast Constituency

Mrs D Kelly asked the Minister of Finance and Personnel how much his Department spent on (i) capital investment; and (ii) resource investment in the West Belfast constituency, in each of the last two years.

(AQW 4133/11)

Minister of Finance and Personnel: My Department's resource and capital expenditure in the West Belfast constituency in each of the last two financial years is set out in the table below.

Financial Year	Resource £'000s	Capital £'000s
2008-09	136	2,127
2009-10	145	5,794

End-Year Flexibility

Mr D Bradley asked the Minister of Finance and Personnel (i) how the scheme to replace the End Year Flexibility money lost to schools will operate; (ii) when it will begin; and (iii) how it will be resourced.

(AQW 4208/11)

Minister of Finance and Personnel: I have shared from the outset the concerns expressed by schools and many elected representatives about the Treasury's decision to end the End Year Flexibility (EYF) arrangements and thereby withdraw access by schools to savings they have accumulated through sound financial management.

As far as schools are concerned there will be no difference, or break in continuity, to the arrangements. The EYF scheme has tended to be self-financing in any given year with the aggregated savings accumulated by schools offset against any deficits scored by other schools. In a situation where the overall draw down of savings is greater than the inflow the net amount will be sought by the Department of Education through the in-year monitoring process to ensure that no school loses out.

Solicitors and Barristers Suspended from Practising

Lord Morrow asked the Minister of Finance and Personnel how many (i) solicitors; and (ii) barristers are currently suspended from practising.

(AQW 4254/11)

Minister of Finance and Personnel: The Department of Finance and Personnel does not hold statistics on how many solicitors or barristers are currently suspended from practising. That information is held by the relevant professional body which is the Law Society for solicitors and, in the case of barristers, the Bar Council.

Research and Development

Mr C Lyttle asked the Minister of Finance and Personnel how much his Department spent on research and development in each of the last five years.

(AQW 4283/11)

Minister of Finance and Personnel: Expenditure on research and development in each of the last five years by the Department of Finance and Personnel is provided in the table below.

Year	Department and Agencies Expenditure (£m)
2005/06	0.1
2006/07	0.1
2007/08	2.6
2008/09	0.8
2009/10	0.4

Solicitors and Barristers Struck Off or Barred from Practising

Lord Morrow asked the Minister of Finance and Personnel how many (i) solicitors; and (ii) barristers have been struck off or barred from practising in each of the last five years.

(AQW 4300/11)

Minister of Finance and Personnel: The Department of Finance and Personnel does not hold statistics on how many solicitors or barristers have been struck off or barred from practising within each of the last 5 years. That information is held by the relevant professional body which is the Law Society for solicitors and, in the case of barristers, the Bar Council.

Consultation Documents

Mr P J Bradley asked the Minister of Finance and Personnel to list the number and titles of all the consultation documents issued by his Department since May 2007.

(AQW 4319/11)

Minister of Finance and Personnel: The total number of consultation documents issued by the Department of Finance and Personnel since May 2007 is 29. The titles of the consultations can be found below:

Title	Year
Building a Better Future - Draft Budget 2008-11	2007
Review of Rating Reform	2007
Lone Pensioner Allowance	2007
Missing Persons - A Consultation by DFP on the Draft Presumption of Death Bill (Northern Ireland) 2008	2008
The Rating of Empty Homes	2008
Data Sharing	2008
Reduction of Maximum Capital Value	2008
Rates Deferment Scheme for Home Owning Pensioners	2008
Green Rebates	2008
CP02/08 Pleural Plaques	2008
Non-Domestic Rating Revaluation 2010 Decapitalisation Rate For Specialised Properties	2008
Electronic Registration Consultation Paper (Land & Property Services)	2009
Small Business Rate Relief Scheme Initial Integrated Impact Assessment	2009
Existing statistical publications of NISRA Human Resource Consultancy Services - stakeholder consultation	2009
Planned new statistical publication of NISRA Human Resource Consultancy Services - stakeholder consultation	2009
Construction contracts bill report on Public Consultation	2009
The Northern Ireland Multiple Deprivation Measure 2005	2009
The Dormant Accounts Scheme Consultation on spending priorities for Northern Ireland	2009
Improving Payment Practices in the Construction Industry in Northern Ireland	2009
Amendments to the Building Regulations 2000 Parts D (Structure) and J (Solid Waste)	2009
Review of 2010-11 Spending Plans for NI Departments	2010
Draft Budget 2011-15	2010
Draft budget 2011-15 - Spending and Savings Proposals within Department of Finance and Personnel	2010
Review of Landlord (article 21) Rating Allowance	2010
Consultation on pleural plaques legislation	2010
Consultation on the Road Traffic (Financial Penalty Deposit) (Interest) Order (Northern Ireland)	2010
Consultation on proposals for the Building Regulations (Northern Ireland) 2011: Phase 1	2010
Amendments to the Building Regulations (Northern Ireland) 2000 – Proposed new requirements relating to Plans of no Effect and minor amendments / clarifications and corrections to Parts A (interpretation and general), E (Fire safety), F (Conservation of fuel and power) and L (Combustion appliances and fuel storage systems) requirements relating to Plans of No Effect and minor amendments / clarifications	2010
Budget 2011-15 Draft Strategic Equality Impact Assessment	2011

PEACE III and INTERREG IVA Funding

Mr P Callaghan asked the Minister of Finance and Personnel what projects, in full or in part, in the Derry City Council area have been approved for (i) PEACE III; and (ii) INTERREG IVA funding in the last twelve months; and how much funding has been allocated to each project.

(AQW 4346/11)

Minister of Finance and Personnel: The tables attached set out the allocations made to projects in the Derry City Council area that have been funded under the PEACE III and INTERREG IVA Programmes in the last twelve months.

Project address has been used to locate projects. However, due to the strategic nature of the PEACE III Programme, it is important to note that the scope or impacts of any project may extend beyond its geographical location.

The INTERREG IVA Programme promotes integrated regional development and, as a result, all approved projects are cross-border in nature. While funding for a particular project may be focused on one or the other side of the Border, the impact must be cross border. Consequently, the scope or impacts of projects will extend beyond the geographical location of the project itself.

An exchange rate of £1=€1.10 has been used where applicable.

PEACE III PROGRAMME

Theme	Project Title	Org Name	Total Award (£)
1.1 Local	Ex-combatants capacity building programme	St Columbs Park House ¹	29,858.00
1.1 Local	P.A.C.T for Peace (Policing And Communities Together - For Peace)	Police Service of Northern Ireland (PSNI) ¹	69,738.31
1.1 Local	The Tonnes	Medicine Wheel ¹	29,800.00
1.1 Local	The Derry Walls a Noose or Necklace-A peoples story in peoples place	Derry City Council ¹	90,900.00
1.1 Local	Wellness Recovery Action Planning (WRAP)	STEER Mental Health ¹	48,208.00
1.1 Local	Burning Issues	Derry City Council ¹	37,520.00
1.1 Local	Unity Project	Holywell Consultancy Ltd ¹	39,986.00
1.1 Local	Ways Forward to Support Protestant Participation and Inclusion in the North West' Research Project	Derry City Council ¹	50,000.00
1.2	GOAL	Creggan Neighbourhood Partnership	365,107.77
1.2	Theatre of Witness	North West Play Resource Centre (T/A The Playhouse)	327,670.00
1.2	Gateways to Health	C.A.L.M.S	257,395.34
1.2	Journeys Out	INCORE	474,098.16

Theme	Project Title	Org Name	Total Award (£)
1.2	Dealing with Past, Shaping the Future (D.P.S.F.)	Peace and Reconciliation group	240,196.00
1.2	Peace In Mind/ Suaimhneas Intinne	Cunamh	285,374.99
1.2	Legacy Project	Pat Finucane Centre	381,833.31
1.2	Healing through Storytelling and Dialogue	Towards Understanding and Healing	233,124.80
1.2	Epilogues Facilitating Understanding of the Other	Gaslight Media Trust	236,245.62
1.1 Local	Positive Play Programme	Liberty Consortium ¹	40,963.00
1.1 Local	NW Cluster Phase II Action Plan	Derry City Council	3,786,668

- 1 This project is a sub-project of the North West Cluster Peace and Reconciliation Action Plan INTERREG IVA Projects

Theme	Project Title	Org Name	Total Award (£)
1.1	IFactory - NORIBIC	NI Business and Innovation Centre ¹	1,120,037.00
1.1	NWRC - IFactory	North West Regional College ¹	237,577.00
1.2	Sail West - Foyle	Derry City Council ²	26,917.27
2.1	Management and Implementation of the Multi Annual Plan	NWRCBG	308,027.00
2.1	SPACEial North West	NWRCBG - North West Region Cross Border Group	470,941.82

- 1 This project is a sub-project of The Innovation Factory project

- 2 This project is a sub-project of the SailWest project

INTERREG

Mr P Callaghan asked the Minister of Finance and Personnel what projects with a Northern Ireland focus have been approved for funding under the transnational and interregional strands of INTERREG; and how much funding has been allocated to each project.

(AQW 4347/11)

Minister of Finance and Personnel: 42 projects with Northern Ireland partners have been approved for funding under the Transnational and Interregional strands of INTERREG. These are listed in the attached table together with the relevant EU funding.

Note that, for four of these approved projects, the Northern Ireland partners have subsequently withdrawn due to a number of factors including: personnel changes within the participating organisations, changes to project lead partners, and financial constraints in the Northern Ireland organisation or in one of its partners abroad.

The remaining 38 projects will bring an approximately 2£7.015m (€7.716m) in additional European funding to Northern Ireland.

EU TRANSNATIONAL PROJECTS WITH NI PARTNERS INCLUDING EU ALLOCATION

Project	Programme	Notional NI ERDF (Million Sterling) £1 - €1.10	Total NI ERDF (Meuro)	NI Partners
AA PublicServ	Atlantic Area	£0.527	€ 0.580	Derry City Council, Department of the Environment & ERNACT
Atlantox	Atlantic Area	£0.325	€ 0.358	AFBI, Belfast & Queen University, Belfast
Auxnalavia	Atlantic Area	Withdrawn		University of Ulster
Dorna	Atlantic Area	Withdrawn		Causeway Coast Maritime Heritage Group (NI)
Duratinet	Atlantic Area	£0.148	€ 0.163	Queen's University, Belfast
Knowcities	Atlantic Area	Withdrawn		NW Regional College
NEA 2	Atlantic Area	£0.035	€ 0.039	Ards Borough Council
START	Atlantic Area	£0.000	€ 0.000	Translink (Associate Partner)
Pharmatlantic	Atlantic Area	£0.212	€ 0.233	Queen's University, Belfast & AFBI, Belfast
Porto Novo	Atlantic Area	£0.085	€ 0.094	Queen's University, Belfast
Imcore	North West Europe	£0.293	€ 0.322	University of Ulster
DAIRYMAN	North West Europe	£0.210	€ 0.231	AFBI, Belfast,
Success	North West Europe	Withdrawn		Belfast City Council
PRO-FIT	North West Europe	£0.197	€ 0.217	University of Ulster
EN Algae	North West Europe	£0.747	€ 0.822	Queen's University, Belfast
SusStation	North West Europe	£0.600	€ 0.660	Translink
O40	Northern Periphery	£0.133	€ 0.146	Queen's University, Belfast

2 The allocations in these programmes are made in € and we have used the exchange rate of £1-€1.10 to provide a notional £ value.

Project	Programme	Notional NI ERDF (Million Sterling) £1 - €1.10	Total NI ERDF (Meuro)	NI Partners
CMC@NP	Northern Periphery	£0.125	€ 0.138	ERNACT
CoastAdapt	Northern Periphery	£0.120	€ 0.132	University of Ulster
DARRA	Northern Periphery	£0.000	€ 0.000	ERNACT (Associate Partner)
ENE	Northern Periphery	£0.028	€ 0.031	Causeway Coast and Glens Heritage
MICRe	Northern Periphery	£0.123	€ 0.135	University of Ulster
NoCry	Northern Periphery	£0.078	€ 0.086	The Nerve Centre, Derry
MyHealth@ Age	Northern Periphery	£0.310	€ 0.341	Southern Health and Social Care Trust
RASLRES	Northern Periphery	£0.305	€ 0.335	Action Renewables (NI)
Smallest	Northern Periphery	£0.305	€ 0.335	Action Renewables (NI)
Retail in Rural Regions	Northern Periphery	£0.175	€ 0.193	University of Ulster, Coleraine
TG4NP	Northern Periphery	£0.213	€ 0.234	College & University of Ulster
Trans-Tourism	Northern Periphery	£0.196	€ 0.216	University of Ulster & Action Renewables
Cinergy	Northern Periphery	£0.185	€ 0.203	Rural Area Partnership in Derry & Verbal Arts Centre, Derry
OCTES	Northern Periphery	£0.138	€ 0.152	University of Ulster
NoCry II	Northern Periphery	£0.113	€ 0.124	Nerve Centre, Derry
NEES	Northern Periphery	£0.117	€ 0.129	University of Ulster
PIKE	INTERREG IVC	£0.124	€ 0.136	Derry City Council
B-team	INTERREG IVC	£0.237	€ 0.261	Belfast City Council
INNOHUBS	INTERREG IVC	£0.133	€ 0.146	North Down Council

Project	Programme	Notional NI ERDF (Million Sterling) £1 - €1.10	Total NI ERDF (Meuro)	NI Partners
SUSTAIN	INTERREG IVC	£0.065	€ 0.072	Down District Council
SufalNet4EU	INTERREG IVC	£0.120	€ 0.132	Belfast City Council
WF	INTERREG IVC	£0.094	€ 0.103	Waterways Ireland
Project	Programme	Notional NI ERDF (Million Sterling) £1 - €1.10	Total NI ERDF (Meuro)	NI Partners
CO2FREE	INTERREG IVC	£0.121	€ 0.133	Derry City Council
OPENCITIES	URBACT II	£0.036	€ 0.040	Belfast City Council
Building Healthy Cities	URBACT II	£0.040	€ 0.044	Belfast City Council
Total		1£7.015m	€ 7.716	

The allocations for these programmes are indicative and are subject to agreement with programme secretariat in the Letter of Offer

Consultancy Fees

Mr J Dallat asked the Minister of Finance and Personnel to detail the value of the consultancy fees for which each Department had budgeted in the period 2008-11.

(AQW 4389/11)

Minister of Finance and Personnel: Departments do not, as a matter of course, establish budgets at the level of individual items of expenditure. Instead, budgets are generally established at business area level, with relevant managers making decisions about individual components of spend in the light of emerging circumstances.

Actual expenditure on external consultants is published, on the DFP website, in the Annual Compliance Report on the Use of External Consultants across the NICS.

Vacant Buildings

Mr P Frew asked the Minister of Finance and Personnel to outline the criteria under which a vacant building is exempt from being rated.

(AQW 4411/11)

Minister of Finance and Personnel: Vacant non-domestic properties, which have been unoccupied for a period not exceeding 3 months, are rateable at 50% of the amount that would be payable if the property was occupied. 50% relief is applied locally unlike the position in England where 100% rates are charged.

There are some exclusions from non-domestic vacant rating, which closely mirror those in place in the rest of the UK, namely where LPS is satisfied that:

- the property has a rateable net annual value of £2,000;
- the property is an industrial hereditament;
- occupation is prohibited by law;
- occupation is prohibited by the crown, public authority, dock authority or district council;
- the property is a listed building or is the subject of a building preservation notice;
- the property is a historic monument;
- the property is the responsibility of the personal representative of a deceased person;
- the person entitled to possession is subject to a bankruptcy order;
- the person entitled to possession is a trustee under deed of arrangement;
- the person entitled to possession is a company which is subject to a winding-up order;
- the person entitled to possession is entitled to possession of the hereditament in their capacity as liquidator;
- the person entitled to possession is a Company Limited by Guarantee, is funded in respect of its costs, in whole or part, by a public body and provides accommodation and support services for a trade or business;
- the property is a hereditament, other than a fishery, where the Foyle, Carlingford and Irish Lights Commission under the North/South Cooperation (Implementation Bodies) Order 1999 is entitled to possession.

A vacant or unoccupied domestic property will not be rated at all under legislation currently in force. The one exception to this is where the property is a rental property which is the subject of a payment agreement between the owner and the Department, in which case rates are payable whether the property is occupied or not. The general position will change once the rating of empty homes is introduced on 1 October 2011. From that date a number of the exclusions that apply to vacant non-domestic property will also be extended to the domestic sector, along with some new exclusions from vacant rates for domestic property.

Mortality Rate from Bowel Cancer

Mr P Weir asked the Minister of Finance and Personnel what is current mortality rate from bowel cancer; and how this compares to 2007.

(AQW 4442/11)

Minister of Finance and Personnel: The table below shows the number of deaths due to bowel cancer¹ along with crude death rates and age standardised death rates² for 2007 to 2009 in Northern Ireland.

Registration Year	Bowel Cancer ¹ Deaths	Population	Death Rate per 100,000 Population	Age Standardised Death Rate ² per 100,000 Population
2007	457	1,759,148	26.0	21.0
2008	441	1,775,003	24.8	19.6
2009	437	1,788,896	24.4	19.0

1 International Classification of Diseases, Tenth Revision codes C18-C21

2 Rates per 100,000 population and standardised to the European standard population

Stroke Mortality Rate

Mr P Weir asked the Minister of Finance and Personnel what is the current stroke mortality rate; and how this compares to 2007.

(AQW 4443/11)

Minister of Finance and Personnel: The table below shows the number of deaths due to stroke¹ along with crude death rates and age standardised death rates² for 2007 and 2009 in Northern Ireland.

Registration Year	Stroke ¹ Deaths	Population	Death Rate per 100,000 Population	Age Standardised Death Rate ² per 100,000 Population
2007	1,325	1,759,148	75.3	51.4
2008	1,329	1,775,003	74.9	50.7
2009	1,175	1,788,896	65.7	44.0

1 International Classification of Diseases, Tenth Revision codes I60-I69

2 Rates per 100,000 population and standardised to the European standard population

End-Year Flexibility

Mr D McNarry asked the Minister of Finance and Personnel how the Executive will meet its guarantees of end-year-flexibility for schools; and what funds they have identified to date to meet this guarantee.

(AQW 4475/11)

Minister of Finance and Personnel: I would refer the hon Member to the reply I gave the hon Member for Newry and Armagh on 14 February 2011 (AQW 4208/11)

Northern Ireland Audit Office: Budget

Mr T Burns asked the Minister of Finance and Personnel for his assessment of whether the procedure used by his Department to determine the budget allocation for the Northern Ireland Audit Office was an arrogation of the legal authority of the Audit Committee.

(AQO 1027/11)

Minister of Finance and Personnel: It is not a matter for the Department of Finance and Personnel to determine budget allocations. It is the role of the Audit Committee, having taken the advice of the Public Accounts Committee and the Department of Finance and Personnel, to lay the Audit Office's Estimate before the Assembly. Budget allocations are determined by the Assembly.

Economy: Rising Prices

Ms C Ní Chuilín asked the Minister of Finance and Personnel for his assessment of whether rising prices for food, fuel and other essential items is putting additional pressure on efforts to grow the economy.

(AQO 1028/11)

Minister of Finance and Personnel: I would agree that the general increase in prices does create extra pressure on both businesses and consumers alike, which in turn puts pressure on economic growth.

However, according to the latest Bank of England inflation report the rate of inflation, as measured by the consumer price index, is expected to return to within the two per cent target in the medium term.

Land and Property Services

Mr A Maginness asked the Minister of Finance and Personnel for his assessment of the errors made by Land and Property Services in the estimation of rates income for district councils and whether he has confidence in its ability to carry out its functions.

(AQO 1026/11)

Minister of Finance and Personnel: The Member will appreciate that the estimation of rate income for each district council is not a simple process. The rate base changes daily as new properties are built, others are demolished or become vacant, occupiers change, and exclusions or reliefs are granted or cease. The difficult economic situation has exacerbated these changes, and we see evidence of this on our streets every day. Any estimates provided are just that – estimates – and are subject to change as the rate base changes.

That said, I am aware that the notification of unexpected or late changes in a council's rate revenue have very real consequences for local government, for the delivery of local services and for citizens, and that timely information from LPS is therefore vital for Councils.

My officials work very closely with officials in district councils in preparing the initial estimates and providing the quarterly in-year projections. Improvements in rate income estimating have been made by LPS and councils over the last two years, but further improvements can be made, as can improvements in communication. LPS, in partnership with councils, is already reviewing existing procedures and implementing changes to improve the estimating and monitoring process. They are considering how external expertise can assist in this review. They will also ensure that any significant changes in estimates are communicated as soon as possible, so that councils can take these into account in their financial planning and so that the recent difficulties caused by late communication are avoided in future.

We must not forget that LPS is on target to collect more than £1 billion in rate income this year; income which is vital to the NI Executive and to councils. I am confident that LPS, working with councils where appropriate, can continue to discharge its important and vital functions.

DARD Headquarters

Mr S Moutray asked the Minister of Finance and Personnel what discussions he has had in the last month with the Minister of Agriculture and Rural Development regarding the proposed relocation of DARD Headquarters.

(AQO 1029/11)

Minister of Finance and Personnel: In the last month I have had no discussions with the Minister of Agriculture and Rural Development regarding the proposed relocation of DARD Headquarters.

It is for individual Ministers to bring forward the detailed spending and saving plans in their Departments, within the budget envelope allocated by the Executive. The proposed relocation of DARD Headquarters is a DARD programme.

Assembly: Budget

Mr D Bradley asked the Minister of Finance and Personnel, given the acrimony surrounding the proposed cuts to the Assembly's budget, whether he will introduce a new mechanism to address future funding for the Assembly.

(AQO 1030/11)

Minister of Finance and Personnel: Currently the Assembly Commission secures its funding through the Estimates process and is subject to in-year monitoring by DFP. Accounts are produced by the Assembly Commission to show outturn and to compare audited outturn against the limits voted by the Assembly in the Estimates.

The Assembly Commission, like all other departments funded by the Northern Ireland Block, has been engaged in the consultative process on the Draft Budget 2011-2015. Decisions on the final Budget

outcome rest with this Assembly which will shortly have the opportunity to debate the Executive's final proposed allocations.

If the Assembly wishes to move away from the current process and introduce a new mechanism it has the freedom to bring forward its proposals for debate.

Budget 2011-15

Mr T Gallagher asked the Minister of Finance and Personnel why there was such a large variation in the reduction of budget allocations across Departments.

(AQO 1031/11)

Minister of Finance and Personnel: There are a number of factors which explain the variation in departmental budget allocations. The most important factor was the Executive's decision to provide real terms growth of 0.2 per cent over inflation to the health sector's resource budget over the four year period. As health accounts for such a significant share of the Block then this automatically impacts on the quantum of resources then available for other departments.

Other factors that influenced departmental allocations included the need to cover inescapable pressures that some departments have which extend into the new budgeting period. These inescapable pressures were mainly statutory or contractual in nature.

The Executive was also determined to protect jobs and economic growth as much as possible which was a further factor which influenced the budget allocation process.

Budget 2011-15

Mr P Ramsey asked the Minister of Finance and Personnel, given that there is no Programme for Government for the next four years, what was the basis for the draft Budget 2011-15.

(AQO 1032/11)

Minister of Finance and Personnel: When the ministerial Budget Review Group and the wider Executive deliberated on how to allocate resources within the construction of the draft Budget position there was a clear consensus on a number of key points which determined how resources were allocated.

There was an acknowledgement of the need to provide some degree of protection for the provision of health services within Northern Ireland - hence the real terms increase in the resource DEL allocation to health services.

Given that health accounts for almost half of all current resources available to the Executive this then meant that very difficult decisions had to be taken on the remaining available public expenditure resources. Ministers agreed that growing the economy and investing in education remained key policy objectives and this shaped the allocation of remaining resources.

This allocation process by the Executive had, of course, to be conducted within an environment of a very constrained funding envelope and a number of legacy inescapable pressures that have to be rolled forward into the new budget period.

Rates: Empty Properties

Mr G Campbell asked the Minister of Finance and Personnel to outline the steps being taken by Land and Property Services to ascertain the ownership details of empty properties in advance of 1 October 2011 when rates will be payable on empty homes.

(AQO 1033/11)

Minister of Finance and Personnel: Land & Property Services has already commenced work to prepare for the implementation of the Rating of Empty Homes, and continues to work closely with Rating Policy Division staff in my Department on the detail of the scheme.

A key task for LPS is to gather the ownership details for all empty homes, to enable billing in October 2011. There are a number of pieces of work underway:

- The Agency has commenced a systematic exercise to gather ownership information on currently vacant homes. A letter was sent to all empty homes in the rating database earlier this month, to alert the owners of those properties to the forthcoming policy change, and request them to contact LPS to update its records as necessary. The letter has already stimulated contact from a significant number of owners.
- The policy will be highlighted in the leaflet issued with all rate bills in April.
- Many homes, of course, will become occupied, or become vacant, between now and October. LPS is therefore gathering ownership information on all homes, including those that are occupied, as and when it has contact with ratepayers.
- LPS is working with a number of other data sources for ownership information, including the Land Register, and is considering the use of other tracing services.
- LPS also has powers to require information to be provided in respect of empty homes. This power can be used to require the supply of information by estate agents, district councils, communications providers, and home owners. Failure to comply with a request for information is an offence and can be the subject of a fine of up to £1,000.

Budget 2011-15

Mrs D Kelly asked the Minister of Finance and Personnel, given his recent reference to the draft Budget 2011-15 as being a 'living document' what opportunities does he envisage for amending the budget during its four year period.

(AQO 1034/11)

Minister of Finance and Personnel: All budgets are effectively 'living documents' since the financial allocations to individual departments change regularly within each financial year through the reallocation process known as monitoring rounds.

This flexibility and discretion is enormously helpful to the Executive in that it enables it to move resources from spending areas where there are easements into high priority expenditure areas which are under resourcing pressure.

Department of Health, Social Services and Public Safety

Progressive Supranuclear, Palsy Corticobasal Degeneration and Multiple System Atrophy

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety to outline the treatment and support services available to people with (i) Progressive Supranuclear Palsy; (ii) Corticobasal Degeneration; and (iii) Multiple System Atrophy, in each Health and Social Care Trust area.
(AQW 3947/11)

Minister of Health, Social Services and Public Safety (Mr M McGimpsey): It is for clinicians to manage treatment of these conditions based on the needs of individual patients. As there is no cure for these conditions, treatment focuses on relieving symptoms while trying to ensure that a patient has the best possible quality of life.

I am pleased to say that work has recently begun on the development of the Northern Ireland Neurological Conditions Network. This will bring together relevant stakeholders including health and social care staff, the community and voluntary sectors and people with neurological conditions. It will help define a model of care to enable those with long term neurological conditions to benefit from the range of services that can be secured to manage their condition, support their independence and maximise their health and wellbeing.

Waterways Rescue and Recovery Training

Mr J O'Dowd asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 3268 /11, how many front-line operational firefighters based in the Craigavon Borough Council area have (i) been offered training which would allow them to conduct water based search and rescue; and (ii) successfully completed this training.

(AQW 3948/11)

Minister of Health, Social Services and Public Safety: No firefighters based within Craigavon Borough Council area have completed water based search and rescue training. The Northern Ireland Fire and Rescue Service maintains a Specialist Rescue Team to conduct water-based search and rescue operations.

Annual Staff Turnover

Mr A Easton asked the Minister of Health, Social Services and Public Safety what was the annual staff turnover through natural wastage in (i) each Health and Social Care Trust; and (ii) the Regional Health and Social Care Board, in each of the last three financial years.

(AQW 3980/11)

Minister of Health, Social Services and Public Safety: The leaving rate of permanent staff (excluding those leaving due to voluntary redundancy) is given in the table below:

Leaving Rate 1, 2 of Permanent Staff by organisation 2007/08 – 2009/10 (excluding those leaving due to voluntary redundancy)

Organisation	2007/08 ⁴	2008/09	2009/10
Belfast	10.87%	8.08%	5.69%
Northern	7.74%	5.71%	5.43%
South Eastern	8.97%	6.00%	5.08%
Southern	7.86%	4.89%	3.99%
Western	5.21%	4.02%	3.39%
NI Ambulance Service	2.93%	2.65%	2.27%
HSC Board 3	N/A	N/A	4.69%

Source: NI HSC Trusts & Board

Notes:

1. The leaving rate is based on the headcount of permanent staff leaving as a percentage of average permanent staff in post in the given period. Base figures exclude Bank staff, temporary staff, staff on career breaks, rotational doctors in training and staff with a whole-time equivalent of 0.03 or less.
2. Rates exclude staff leaving due to voluntary redundancy, but will include staff taking voluntary early retirement (some of which may be on the grounds of redundancy).
3. Figures for NI HSC Board for 2007/08 and 2008/09 are not available as the NI HSC Board was only formed in April 2009.
4. Figures for 2007/08 will be further inflated by staff moving between legacy Trusts as HR systems were not consolidated to the 5 new HSC Trusts until 2008/09.

Recruitment of Accident and Emergency Consultants

Mr G Robinson asked the Minister of Health, Social Services and Public Safety to outline his Department's strategy for the recruitment of accident and emergency consultants.

(AQW 3981/11)

Minister of Health, Social Services and Public Safety: It is the Trusts' responsibility for recruitment of staff.

I am aware however that the HSC is committed over time to move towards an A&E service led and substantially delivered by consultants, in parallel with changes to improve quality and consistency of A&E provision across the region.

Referral of Patients

Mr P Frew asked the Minister of Health, Social Services and Public Safety to outline the procedure that is followed when a GP makes an urgent referral of a patient to a hospital or consultant: and whether consultants can change this referral from urgent to routine.

(AQW 4003/11)

Minister of Health, Social Services and Public Safety: The Integrated Elective Access Protocol, developed to encompass the elective pathway within a hospital environment, sets out the procedures to be followed by Trusts on receipt of a referral from a GP. The Protocol requires Trusts to register all referrals from GPs. This includes the recording of the GP priority status.

It is, however, for consultants, on receipt of referrals to identify the clinical priority for each referral.

Children and Young People in Care

Ms A Lo asked the Minister of Health, Social Services and Public Safety how many children and young people are in care.

(AQW 4005/11)

Minister of Health, Social Services and Public Safety: The latest official figures for children in care in Northern Ireland are detailed within the statistical bulletin, 'Children Order Statistical Tables for Northern Ireland (2008/09)'. This bulletin is available from the DHSSPS website at:

http://www.dhsspsni.gov.uk/index/stats_research/stats-cib-/statistics_and_research-cib-pub/children_statistics/stats-cib-children_order.htm

Foster Care

Ms A Lo asked the Minister of Health, Social Services and Public Safety how many children and young people are waiting to be placed in foster care.

(AQW 4006/11)

Minister of Health, Social Services and Public Safety: The figure requested is not available centrally, and could only be provided at disproportionate costs.

Foster Care Places

Ms A Lo asked the Minister of Health, Social Services and Public Safety to outline the number of foster care places available for children and young people compared to the demand for these places.

(AQW 4007/11)

Minister of Health, Social Services and Public Safety: Figures are not available in the format requested.

Foster Care Places

Ms A Lo asked the Minister of Health, Social Services and Public Safety if his Department would consider an approach by the Foster Care Co-operative to address shortage of foster care places.

(AQW 4008/11)

Minister of Health, Social Services and Public Safety: The commissioning role for Foster Care in Northern Ireland rests with the Health and Social Care Board and the statutory fostering service is

provided by the HSC Trusts. The Foster Care Co-operative may contact the HSC Board directly on the official Government website for Northern Ireland, www.nidirect.gov.uk

Pharmacy Services at Musgrave Park Hospital

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety for an update on the pharmacy department at Musgrave Park Hospital; and whether there are any plans to close this facility. (AQW 4011/11)

Minister of Health, Social Services and Public Safety: Belfast Health and Social Care Trust is currently undertaking an overall Trust strategic site review which includes the dispensing and distribution of pharmaceutical products at Musgrave Park Hospital. The Trust has confirmed that it will be upon completion of this exercise and after careful evaluation and consultation on the possible outcomes that a way forward will be agreed.

Sexual Assault Referral Centre

Mr C McDevitt asked the Minister of Health, Social Services and Public Safety (i) whether funding is available for a Sexual Assault Referral Centre; (ii) whether there are any plans to open such a centre; and (iii) if so, what will be the resource allocation for the centre. (AQW 4012/11)

Minister of Health, Social Services and Public Safety: On 9 February 2010, I publicly announced commencement of the building of a new regional SARC facility in the grounds of Antrim Area Hospital. The new SARC, a partnership between DHSSPS and the PSNI will cost approximately £2m to build. Revenue costs will be met by DHSSPS and PSNI on a joint basis.

The SARC facility will take approximately 12 months to build and will open its doors in mid 2012.

Childcare Provision

Mr P Weir asked the Minister of Health, Social Services and Public Safety what provision is made in the draft budget for a commitment to childcare provision. (AQW 4019/11)

Minister of Health, Social Services and Public Safety: My Department remains committed to childcare provision and delivering solutions to protect and support children and their families throughout Northern Ireland. In that regard, my Department included a substantial bid for demographic change as part of its request for funding over the Draft Budget period.

However, whilst the demand for social care services continues to grow, the Draft Budget proposals leave my Department with an estimated funding shortfall of £800 million by 2014/15. My officials are working through the implications of how this deficit will impact on services.

A large proportion of government provision in support of childcare is channelled through the tax and benefits system and as such, is outside the control of the Northern Ireland Executive.

Mobile Phones

Lord Morrow asked the Minister of Health, Social Services and Public Safety, pursuant to AQW3401/11, will he consider implementing the Northern Health and Social Care Trust policy of not permitting staff to use supplied mobile phones for personal calls, across all Health and Social Care Trusts. (AQW 4033/11)

Minister of Health, Social Services and Public Safety: I have no plans to change existing policies in relation to the use of supplied mobile phones in Health and Social Care Trusts.

Home-Start

Mr A Easton asked the Minister of Health, Social Services and Public Safety to outline his plans for funding in the next four years for Home Start NI.

(AQW 4045/11)

Minister of Health, Social Services and Public Safety: My Department provides core funding to the Home-Start regional office for central administration costs (amounting to £50,420 in 2010/11) and there are no current plans to withdraw this funding.

My Department has also provided £179,063 in support of specific Home-Start projects that were previously supported by the Children's Fund. This funding is time-limited and is due to cease in March 2011.

The role of commissioning services falls to the Health and Social Care Board and/or Trusts based on assessed needs and priorities of the population. My Department provide £2.4m per annum recurrently for the commissioning of family support services through the HSC Board and Trusts.

Causeway Hospital

Mr J Dallat asked the Minister of Health, Social Services and Public Safety to outline his plans for maintaining all the existing services at the Causeway Hospital in Coleraine.

(AQW 4047/11)

Minister of Health, Social Services and Public Safety: While the delivery of services at the Causeway Hospital is a matter for the Northern Health and Social Care Trust as the service provider, I can advise that no services have been withdrawn from the hospital since it opened and the Trust continues to deliver a comprehensive range of acute services to its local population.

In recent months, due to difficulties with the recruitment of medical staff the Trust has found it necessary to employ a significant number of locum staff to work in Causeway Hospital Accident and Emergency services and in surgical services in order to sustain services on a 24 hour, 7 day week basis. However, this is being kept under review and the Chief Executive has recently met with a number of public representatives to assure them that the future of Causeway Hospital is secure.

Childcare Case Referrals

Mrs D Kelly asked the Minister of Health, Social Services and Public Safety, in light of the Baby P case, for his assessment of the number of referrals of child care cases in each Health and Social Care Trust, including the implications this number has on staffing, finances and case allocation waiting times.

(AQW 4055/11)

Minister of Health, Social Services and Public Safety: During 2008/09 the number of children referred to social services within each Health and Social Care Trust (HSC) in Northern Ireland was:

Belfast Trust	4,944
South Eastern Trust	3,960
Northern Trust	5,112
Southern Trust	4,569
Western Trust	3,947

This is an overall increase of nearly one third on the same figure for 2004. Trusts continue to report that the overall increase in referrals and pressures is continuing.

It will be for the HSC Board as commissioner of services to work in conjunction with HSC Trusts to determine what services are delivered against the resources available. In the current climate of

financial restraint the level of funding that can be sustained in support of these services will largely depend on the outcome of very difficult budgetary negotiations.

As at 31 December 2010, HSC Trusts reported the following unallocated cases, none were of a child protection nature:

Belfast Trust	84
South Eastern Trust	203
Northern Trust	215
Southern Trust	254
Western Trust	87

This represents an increase of 52 (7%) compared to July 2010.

Missed Hospital Appointments

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety to detail any pilot schemes that have been carried out to reduce the non-attendance rates for hospital appointments.
(AQW 4061/11)

Minister of Health, Social Services and Public Safety: I refer the Member to the answer given to AQW 3934/11.

Agency Staff

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety whether there are any alternatives in place to reduce the use of agency staff within the Health Service.
(AQW 4062/11)

Minister of Health, Social Services and Public Safety: Due to the current financial constraints I have asked the HSC Trusts to examine their reliance on agency staff.

There will always be a need to fill short term absence, but the focus remains on ways of further reducing reliance upon agency staff, such as the careful management of vacancies, absence controls and use of bank staff.

NHS Professionals Scheme

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety whether the 'NHS Professionals' scheme operates in the Health Service.
(AQW 4065/11)

Minister of Health, Social Services and Public Safety: NHS Professionals, launched in 2000 with substantial funding from the Department of Health in England (DH), operates in England only. It is now a limited company wholly owned by DH which provides managed flexible staffing services to the NHS with a national bank of approximately 50,000 workers. Having experienced mixed success geographically DH announced, last August, its intention to explore options with the private sector for potential investment in NHS Professionals Ltd.

The Health Service in Northern Ireland does not have an equivalent organisation. Based on the size of the service here and local knowledge of the healthcare labour market each Trust operates its own bank arrangements. While Trusts also have contracts with a number of commercial agencies their use is only authorised as a last resort when Bank or internal ward arrangements are unable to meet the requirements of the wards or departments. This ensures staffing costs are managed effectively.

Health Service IVF Provision

Mr J Spratt asked the Minister of Health, Social Services and Public Safety whether he has any plans to bring Health Service IVF provision in line with the rest of the UK.

(AQW 4081/11)

Minister of Health, Social Services and Public Safety: IVF Provision in Northern Ireland is in line with the rest of the UK. There are local variations across the UK in particular, in relation to the number of cycles of treatment that is offered. In Northern Ireland the service aspires to provide three cycles of fertility treatment as recommended by the National Institute for Health and Clinical Excellence; however, financial constraints currently make this unachievable. The current provision of one publicly funded cycle of treatment is comparable to many other areas of the United Kingdom. In addition, in Northern Ireland, access criteria are wider and allow more people to access the service than in many other regions.

It is hoped that it will be possible to introduce a cycle of frozen embryo transfer; however, this and further expansion of the service will be dependent on future funding availability.

Local Commissioning Groups

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety to outline the functions of the Local Commissioning Groups.

(AQW 4084/11)

Minister of Health, Social Services and Public Safety: Local Commissioning Groups (LCGs) are committees of the Health and Social Care Board and are primarily responsible for the commissioning of health and social care for their local population. They have the responsibility for assessing their local populations' health and social care needs, planning health and social care to meet these needs and for securing the delivery of health and social care within their Trust area.

Within Northern Ireland, there are five Local Commissioning Groups (LCGs) within Northern Ireland - Belfast; Northern, South Eastern, Southern and Western, each being co-terminus with their respective Health and Social Care Trust area.

Local Commissioning Groups

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety to detail the cost of Local Commissioning Group meetings in each of the past three years, broken down by group.

(AQW 4085/11)

Minister of Health, Social Services and Public Safety: Five Local Commissioning Groups (LCGs) were established in April 2009. LCGs meet on a monthly basis and utilise community facilities to ensure costs are kept to a minimum. Meeting costs amount to £1,512 for 2009/10 and £3,021 for the nine months ended 31 December 2010 and are analysed by group as follows:

Local Commissioning Group	2010/11 (up to Dec 2010) £	2009/10 £
Belfast	413	Note 1
Northern	1,497	18
Southern	36	1,396
South Eastern		Note 1
Western	1,075	67
Belfast/South Eastern	Note 1	31 Note 1
Total Expenditure	3,021	1,512

Note 1: It is not possible to split the costs for Belfast and South Eastern LCGs in 2009/10 due to limitations of legacy systems,

Critical Care Complex at the Ulster Hospital

Mr S Hamilton asked the Minister of Health, Social Services and Public Safety to detail (i) the number of occasions on which the new critical care complex at the Ulster Hospital has been closed since its opening; (ii) the reasons for the closures; (iii) the duration of the closures; and (iv) the interim measures that were put in place.

(AQW 4104/11)

Minister of Health, Social Services and Public Safety: The South Eastern Health and Social Care Trust has advised that the critical care complex at the Ulster Hospital has not been closed since its opening.

Testing of Household Products on Animals

Mr C Lyttle asked the Minister of Health, Social Services and Public Safety whether his Department will follow the decision of the Home Office in banning the testing of household products on animals and the use of primates in any experimentation.

(AQW 4105/11)

Minister of Health, Social Services and Public Safety: My Department will follow any decision by the Home Office to ban the testing of household products on animals and will also comply with any decision in relation to primates. At present there is no testing of household products on animals or primates used in any experimentation in Northern Ireland.

Animal Experiments

Mr C Lyttle asked the Minister of Health, Social Services and Public Safety, in order to reduce repetition of animal experiments, whether his Department is rejecting applications for experiments on animals where the results of previous such experiments are already in the public domain.

(AQW 4106/11)

Minister of Health, Social Services and Public Safety: An Inspector assesses all applications for new licences or amendments to existing licences in detail and advises the Department on how to ensure that only properly justified work is licensed.

Applications for experiments on animals would not be allowed where the work had already been carried out and the results known.

Capital and Resource Investment in the West Belfast Constituency

Mrs D Kelly asked the Minister of Health, Social Services and Public Safety how much his Department spent on (i) capital investment; and (ii) resource investment in the West Belfast constituency, in each of the last two years.

(AQW 4134/11)

Minister of Health, Social Services and Public Safety:

- (i) In relation to Capital Investment almost £31m was spent in 2008/09 and almost £39m in 2009/10 in the West Belfast constituency. Some of this investment relates to key regional facilities on the Royal Hospital site which will benefit the whole of the population across Northern Ireland.
- (ii) Revenue expenditure information is not collected at the constituency level of West Belfast and is therefore unavailable.

Domiciliary Care Hours

Mr P Weir asked the Minister of Health, Social Services and Public Safety to detail the number of domiciliary care hours provided in each quarter of the last two years.

(AQW 4137/11)

Minister of Health, Social Services and Public Safety: The information is not available in the format requested.

Emergency Admissions of Older People to Hospital

Mr P Weir asked the Minister of Health, Social Services and Public Safety for an estimate of the number of emergency admissions of older people to hospital in each of the last two years; and the resultant costs.

(AQW 4138/11)

Minister of Health, Social Services and Public Safety: During 2008/09 there were 62,933 emergency admissions for people aged 65 and over with an estimated resultant cost of £215m. In 2009/10 there were 62,581 emergency admissions for older people; the cost of which is not currently available.

Cost to the Health Service of Patient Care

Mr P Weir asked the Minister of Health, Social Services and Public Safety to detail the average annual cost to the Health Service of a patient in a care home place compared to the cost of a patient being cared for in their home.

(AQW 4139/11)

Minister of Health, Social Services and Public Safety: It is not possible to compare accurately the average cost of a residential or nursing home place with an average domiciliary care package. An average residential or nursing home place, with care available 24 hours a day 7 days a week, is much more intensive than an average domiciliary care package of 10.1 hours per week.

While it is often the case that supporting people at home is more cost effective, and we are providing more domiciliary care than in previous years, there is a point at which a person's needs can be so great that domiciliary care can be more expensive than residential or nursing home care. In fulfilling its duty to ensure good quality care that represents best value, the HSC will take cost along with a number of additional factors such as the safety of the service user and the care worker, and the pressure on the service user's family, into account in determining with the service user where assessed needs can best be met.

Foetal Alcohol Syndrome

Mr P Weir asked the Minister of Health, Social Services and Public Safety for his assessment of the prevalence, consequences and costs of Foetal Alcohol Syndrome and whether he will make a statement on this issue.

(AQW 4141/11)

Minister of Health, Social Services and Public Safety: Foetal alcohol spectrum disorders (FASDs) is an umbrella term describing the range of effects that can occur in an individual whose mother drank alcohol during pregnancy. All pregnant women are informed of the Chief Medical Officer's advice that they should avoid drinking alcohol. If they do choose to drink, they should not drink more than 1 to 2 units of alcohol once or twice a week and should not get drunk.

One of the most severe effects of drinking during pregnancy is Foetal Alcohol Syndrome (FAS). Only a small minority of pregnant women with alcohol problems have babies with FAS. FAS is a difficult condition to diagnose because of the wide range of symptoms with which it can present. People with FAS may have problems with learning, memory, attention span, communication, vision, hearing, or a combination of these. FAS is a permanent condition, affecting every aspect of an individual's life and the lives of their family. Individuals suffering from this disorder may require access to a range of

services. While there are no dedicated services for people with FAS, their management will be tailored to their individual needs and circumstances, the severity of their condition and their responsiveness to interventions.

There is no current estimate of its prevalence in Northern Ireland; this makes it impossible to identify related costs.

Domiciliary Care

Mr P Weir asked the Minister of Health, Social Services and Public Safety to detail the average cost per hour of domiciliary care in each Health and Social Care Trust.

(AQW 4145/11)

Minister of Health, Social Services and Public Safety: The average cost per hour of domiciliary care in each Health and Social Care Trust for the financial year 2009/10 was as follows:

BHSCT	NHSCT	SEHSCT	SHSCT	WHSCT
£13.04	£13.97	£13.01	£16.32	£14.06

Men's Advisory Project

Ms D Purvis asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 2866/11, whether he will guarantee funding beyond March 2011 for the Men's Advisory Project, which he has indicated provides key services for male victims of domestic violence.

(AQW 4155/11)

Minister of Health, Social Services and Public Safety: Domestic violence is a cross-departmental issue which DHSSPS and DOJ jointly lead on. My Department provided one off funding for the Men's Advisory Project for a three year period ceasing in March this year. Funding was agreed as the work of the Organisation was complimentary to the aims of objectives of the "Tackling Violence at Home Strategy" in helping address the needs of male victims. It is however not within the remit of my Department to directly fund local health and social care services, rather it is the role of the Health and Social Care Board to commission services across the five Health and Social Care Trust Areas. I understand that the Men's Advisory Project have made representations to the Regional Health and Social Care Board and informed the Trusts of its position. In the interim my Department is providing funding to end of June 2011 to allow future commissioning arrangements to be put in place.

Fire and Rescue Service

Mr S Moutray asked the Minister of Health, Social Services and Public Safety on how many occasions between 1 December 2010 and 31 January 2011 authorisation was given for Fire and Rescue Service personnel and vehicles to attend a domestic property to fill a header tank.

(AQW 4171/11)

Minister of Health, Social Services and Public Safety: The Northern Ireland Fire and Rescue Service attended one domestic property to augment water supplies between 1 December 2010 and 31 January 2011.

Swine Flu

Mr M Storey asked the Minister of Health, Social Services and Public Safety how many people were admitted to hospital with swine flu in each week since 29 November 2010.

(AQW 4177/11)

Minister of Health, Social Services and Public Safety: Information on the number of people that were admitted to hospital with swine flu in each week since 29 November 2010 is not available.

Downe Hospital

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety, in light of the statement by Medical Practitioners on their readiness to apply for middle-grade doctor posts in the Downe Hospital and the recruitment difficulties experienced by the South Eastern Health and Social Care Trust, whether he will suspend his decision of 5 February 2011 regarding GP out-of-hours cover of the Downe Hospital's accident and emergency services.

(AQW 4291/11)

Minister of Health, Social Services and Public Safety: I am not aware of medical practitioners having issued a statement to this effect; a single doctor made a claim in a radio interview that he and his colleagues were not aware of vacancies at the Downe.

In June 2010 and again in October 2010 the South Eastern Health and Social Care Trust advertised widely to recruit middle grade doctors for the Downe Hospital emergency department. The Trust advertised in the Belfast Telegraph, The Irish News, The British Medical Journal and the Sunday Independent. The Trust has also previously used the services of medical recruitment agencies in order to identify suitable candidates. The response to these efforts was poor. It is difficult to see what other reasonable steps the Trust could have taken to fill these vacancies. I am content therefore that the Trust continues to take forward the changes, which are intended to deliver a sustainable service at the Downe Hospital.

Royal Victoria Hospital's School of Dentistry

Mr W Clarke asked the Minister of Health, Social Services and Public Safety, in relation to the recent oral medicine incident at the Royal Victoria Hospital's School of Dentistry (i) how many consultants or dentists reviewed the 3000 cases in question throughout 2010; (ii) how long did it take the consultants or dentists to review these cases; (iii) how much was spent on paying for the consultants or dentists to review the cases; and (iv) who took the decision to undertake this review.

(AQW 4353/11)

Minister of Health, Social Services and Public Safety:

- (i) Two senior consultants.
- (ii) The review began in January 2010 and was completed on 4 November 2010 (10 months).
- (iii) Between 4 December 2009 and 19 February 2010 there were 2.5 PAs (programmed activity) per week in total. From 22 February 2010 the total was 8.5 PAs per week. The average payment a senior consultant would receive for a PA for one week is between £218 and £261. The difference relates to the allowances they would receive with the £218 per week being the minimum payable (i.e. no allowances) and the £261 per week being the maximum payable (i.e. maximum allowances).
- (iv) The Medical Director of Belfast Health and Social Care Trust.

Hospital Admissions

Mr S Gibson asked the Minister of Health, Social Services and Public Safety what progress has been made in relation to the reduction of unplanned hospital admissions for individuals with chronic illnesses.

(AQO 1040/11)

Minister of Health, Social Services and Public Safety: In recent years much has been done to improve care and support for people with long term conditions in the community and thereby reduce unplanned hospital admissions including:

- the development of pro-active case management for people with complex chronic conditions;
- the use of self management programmes to support people in managing their own conditions;

- the deployment of more specialist nurses and multi-disciplinary teams within the primary care sector;
- a number of pilot programmes to develop the use of assistive technology and remote monitoring of vital signs;
- the development of care pathways;
- better medicines management services; and
- domiciliary care packages enabling people to live independently.

To support all of this, later this month I intend to launch, for public consultation, a Policy Framework to support people living with long term conditions in Northern Ireland.

Belfast Health and Social Care Trust: Regional Services

Mr F Molloy asked the Minister of Health, Social Services and Public Safety why regional services located within the Belfast Trust, such as the provision of Cystic Fibrosis care, are subject to alteration without prior Ministerial approval.

(AQO 1041/11)

Minister of Health, Social Services and Public Safety: The refurbishment of Allen Ward in the Royal Belfast Hospital for Sick Children was not a change to the provision of service, but was an upgrade of the facilities.

Due to the timescale involved, the Belfast Trust drew up plans for the refurbishment of the ward and informed stakeholders of the plans; however, as a result of public interest in the refurbishment, the Trust has now agreed that in the future, stakeholders will be more fully involved in the development of plans for refurbishments.

It would not be practical for me to approve every plan for refurbishment in the Belfast Trust or any other Trust. Where there are major or controversial changes being made to services then of course the Trusts will seek my approval of those changes but this was not the case in the refurbishment of Allen Ward.

Muscular Dystrophy

Lord Browne asked the Minister of Health, Social Services and Public Safety for an update on the position in relation to the provision of care and advice for patients suffering from Muscular Dystrophy.

(AQO 1042/11)

Minister of Health, Social Services and Public Safety: The Health and Social Care Board and the Belfast Health and Social Care Trust have been working closely together to provide appropriate continued support for specialist neurology services in 2011–12 and beyond. In addition, work is underway to develop the Northern Ireland Neurological Conditions Network, to help ensure the best possible outcomes for people with long-term neurological conditions. Also, I am pleased to confirm that the necessary recurrent funding has been secured to ensure the Muscular Dystrophy Regional Care Advisor post is consolidated within the Belfast Trust staffing complement.

Muscular Dystrophy: Care Adviser

Mr T Lunn asked the Minister of Health, Social Services and Public Safety to outline his long-term funding plans for the Muscular Dystrophy Care Advisor post.

(AQO 1043/11)

Minister of Health, Social Services and Public Safety: The Health and Social Care Board and the Belfast Health and Social Care Trust have been working closely together to provide appropriate continued support for specialist neurology services in 2011–12 and beyond. In addition, work is underway to develop the Northern Ireland Neurological Conditions Network, to help ensure the best possible outcomes for people with long-term neurological conditions. Also, I am pleased to confirm that

the necessary recurrent funding has been secured to ensure the Muscular Dystrophy Regional Care Advisor post is consolidated within the Belfast Trust staffing compliment.

Health: North/South Feasibility Study

Mr P Butler asked the Minister of Health, Social Services and Public Safety why the recommendations of the North South Feasibility Study on health and social services have not been implemented.

(AQO 1044/11)

Minister of Health, Social Services and Public Safety: I was not persuaded to progress the feasibility study further because I do not believe, in light of the resource constraints upon my Department and the health service, that this is the time to commit new or additional resources or to create new bureaucratic structures to support north south working.

Minister Harney, the then Minister for Health and Children, and I agreed that the report should not be progressed further at this time but that our departments should continue to work together, as they have done over the period since devolution, on practical and deliverable projects which have clear, defined benefits for people in each jurisdiction.

Areas of ongoing collaboration include – radiotherapy services, paediatric cardiac surgery services, child protection and suicide prevention.

Public Health Agency

Mr S Gardiner asked the Minister of Health, Social Services and Public Safety for his assessment of the role that the community and voluntary sector plays in helping the Public Health Agency to meet its objectives.

(AQO 1045/11)

Minister of Health, Social Services and Public Safety: The community and voluntary sectors are of critical importance to the PHA in terms of improving health and well-being and delivering support on the ground. Community engagement is a central element of how the PHA conducts its business and it has therefore invested significantly in supporting communities and building capacity at a local level to ensure active participation and engagement in promoting positive health and wellbeing and tackling health inequalities.

The PHA currently funds over 600 projects being taken forward by community and voluntary organisations.

Budget 2011-15: Job Losses

Mr P Frew asked the Minister of Health, Social Services and Public Safety for an update on the 4000 jobs that could be lost as a result of the draft Budget 2011-15 and whether the losses would be achieved through natural wastage or redundancies.

(AQO 1046/11)

Minister of Health, Social Services and Public Safety: Health Trusts are already operating stringent vacancy controls. This year alone, 1,500 posts are being held empty. They are being held empty because in 2010/11 the Executive chose to cut my budget by £113.5m and then another £16.6m as a result of swine flu.

And there have already been redundancies. I have been running a voluntary severance programme for RPA and CSR.

If nothing changes in the budget, those 1,500 posts will disappear completely. The 4,000 figure is a conservative estimate of a redundancies figure over and above that.

The equation is simple – if you want to staff the health service properly you need to be prepared to pay for that.

Causeway Hospital: Accident and Emergency

Mr M Storey asked the Minister of Health, Social Services and Public Safety to outline how he proposes to secure the future of the accident and emergency facility at the Causeway Hospital, Coleraine.

(AQO 1047/11)

Minister of Health, Social Services and Public Safety: I am aware there has been a lot of public concern about the provision of acute services at the Causeway Hospital. Having visited the hospital recently, I again, would like to take this opportunity to reassure the community that there are no plans to change Accident and Emergency services at the Causeway Hospital, indeed steps have been taken to sustain services on a 24 hour, 7 day week basis.

For the Northern Trust area, that means acute services, including Accident and Emergency, will be provided at Antrim Area Hospital and Causeway Hospital with two smaller hospital, the Mid Ulster and Whiteabbey acting as local hospitals with Minor Injuries Units.

Alzheimer's Disease

Mr A Maskey asked the Minister of Health, Social Services and Public Safety whether his Department is conducting any research to advance the drug treatments available to those suffering from Alzheimer's Disease.

(AQO 1048/11)

Minister of Health, Social Services and Public Safety: My Department is not conducting any such research. However clinicians in the health and social care sector in Northern Ireland are involved in studies on other aspects of improving care and support for people with Alzheimer's disease.

Drugs for Alzheimer's disease are available for those who are assessed as needing them. Unlike England, I have not restricted access to these drugs.

Northern Health and Social care Trust: Home Care

Mr G Campbell asked the Minister of Health, Social Services and Public Safety what level of funding was allocated to Home Care Services in the Northern Health and Social Care Trust in each of the last three financial years.

(AQO 1049/11)

Minister of Health, Social Services and Public Safety: The Northern Health and Social Care Trust spend on home care services over the last 3 financial years are as follows;

07/08	08/09	09/10
£35.3m	£37.2m	£40.8m

The total spent on all aspects of domiciliary care for 09/10, across the HSC, (latest figures available) would be approximately £200million pounds. However waiting lists still persist for home care services. If sufficient investment is not made in our health and social care system, I will not be able to meet the need for services. This is why current draft budget proposals cannot stay as they are.

Department of Justice

Attacks Against Fixed Speed Cameras

Mr T Burns asked the Minister of Justice to detail (i) the number of (a) recorded offences; and (b) convictions for attacks against fixed speed cameras in each of the last five years; and (ii) the cost of repairing or replacing these cameras, broken down by policing district.

(AQW 3991/11)

Minister of Justice (Mr D Ford): There was one arson attack in 2008 and a number of other minor vandalism attacks on the Saintfield Road camera. There have been no direct costs incurred as a result of this vandalism, and any minor remedies required have been carried out under the ongoing contracted maintenance programme of works.

The information on convictions 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 damage of a fixed speed camera from other criminal damage offences.

Drug Testing Equipment

Mr P Givan asked the Minister of Justice for his assessment of the value for money and effectiveness of the new drug testing equipment for the Prison Service.

(AQW 4028/11)

Minister of Justice: Mandatory Drug Testing was introduced on 4 October 2010. As part of this, oral swab testing was introduced as an alternative to urine testing. The scheme was piloted over a three month period which ended in January 2011. The results of this pilot are still being collated and assessed, and a report on the scheme's effectiveness in assisting in the decision of drugs and alcohol misuse is due to be discussed by senior operational managers later this month.

Materials for Education, Recreation and Leisure in Prisons

Mr J Dallat asked the Minister of Justice to detail the cost of equipment and materials purchased by the Prison Service for (i) education; and (ii) recreation and leisure in each of the last three years.

(AQW 4063/11)

Minister of Justice: Table A below sets out the cost of equipment and materials purchased by the Prison Service for education in each of the last three years.

(I) TABLE A

Year	2007-08	2008-09	2009-10
Maghaberry	£70,125	£111,748	£71,919
Magilligan	£100,723	£92,404	£35,042
Hydebank Wood	£ 25,777	£6,543	£4,270
Total	£196,625	£210,695	£111,231

Table B below sets out the cost of equipment and materials purchased by the Prison Service for recreation and leisure in each of the last three years

(II) TABLE B

Year	2007-08	2008-09	2009-10
Maghaberry	90,587	43,249	90,756
Magilligan	70,468	33,503	76,765
Hydebank Wood	31,007	41,941	31,007
Total	192,062	118,693	198,528

Dogs in Prisons

Mr J Dallat asked the Minister of Justice to detail the number of dogs in each prison and the cost of the upkeep of these animals in each of the last three years.

(AQW 4064/11)

Minister of Justice: Table A below sets out the number of dogs in each prison in each of the last three years.

(I) TABLE A

No. of Dogs	2007-08	2008-09	2009-10
Maghaberry	40	40	40
Magilligan	13	13	9
Hydebank Wood	2	4	4
Total	55	57	53

Table B below sets out the cost of the upkeep of these animals in each of the last three years.

TABLE B

Year	2007-08	2008-09	2009-10
Maghaberry	£38,374	£29,099	£35,455
Magilligan	£3,090	£2,705	£2,179
Hydebank Wood	£1,271	£1,822	£1,459
Total	£42,735	£33,626	£39,093

The majority of costs for the upkeep of prison dogs are for the purchase of the dogs, dog training, vet bills, food, dog training products and replacement kennels.

Cost of Prisoners Obtaining Qualifications

Mr J Dallat asked the Minister of Justice to detail the cost of (i) tutors; (ii) examination fees; and (iii) other associated costs incurred for prisoners obtaining qualifications in each prison, in each of the last three years.

(AQW 4066/11)

Minister of Justice: Table A below sets out the total salary costs of tutors involved in education delivery in each prison, in each of the last three years.

TABLE A

Year	2007-08	2008-09	2009-10	2010-current
Maghaberry	£670,497	£712,168	£867,913	£733,523
Magilligan	£353,361	£374,116	£399,482	£313,680
Hydebank Wood	£438,910	£527,896	£535,251	£363,012
Total	£1,462,768	£1,614,180	£1,802,646	£1,410,215

Table B below sets out the examination fees paid in each prison, in each of the last three years.

TABLE B

Year	2007-08	2008-09	2009-10	2010-current
Maghaberry	£18,320	£18,158	£19,371	£12,193
Magilligan	£10,303	£18,521	£16,898	£24,220
Hydebank Wood	£8,740	£4,408	£7,168	£4,091
Total	£37,363	£41,087	£43,437	£40,504

Table C below sets out associated costs incurred for equipment and materials required by education departments.

TABLE C

Year	2007-08	2008-09	2009-10	2010-current
Maghaberry	£70,125	£111,748	£71,919	£12,413
Magilligan	£100,723	£92,404	£35,042	£36,550
Hydebank Wood	£25,777	£6,543	£4,270	£5,052
Total	£196,625	£210,695	£111,231	£54,015

PSNI and Prison Service Staff: Drug Offences

Mr A Ross asked the Minister of Justice how many (i) PSNI; and (ii) Prison Service staff have been (a) suspended; and (b) sacked for drug offences in each of the last five years.

(AQW 4088/11)

Minister of Justice:

- (i) With regards to Part (i) of your question, the conduct and discipline of police 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. You may therefore wish to direct your question to the PSNI.
- (ii) In the last five years one member of Prison Service staff has been suspended for drugs offences. On 18 May 2009 the officer was suspended from duty on suspicion of handling and suspicion to supply drugs. He subsequently resigned from the Prison Service.

On 13 January 2010 he was sentenced to nine months imprisonment with a further nine months on licence for the offences of misfeasance in a public office and possession of a class A drug.

Prisoners who have been in care

Mrs D Kelly asked the Minister of Justice how many current (i) sentenced; and (ii) remand prisoners have been in care.

(AQW 4091/11)

Minister of Justice: The Northern Ireland Prison Service is unable to provide a response to the above question. The Service does not collate statistics or details with regards to prisoners who have previously been in care.

Oral Swab Testing

Mr P Givan asked the Minister of Justice for his assessment of the effectiveness of the new oral swab testing saliva kits for detecting drugs, particularly cannabis, compared to the previous method of taking a urine sample from prisoners.

(AQW 4241/11)

Minister of Justice: Oral swab testing as an alternative to urine testing, was introduced into all NIPS establishments as part of Mandatory Drug Testing in October 2010. The scheme was piloted and subject to a three month assessment which ended in January 2011. Results are still in the process of being collated and assessed. It is known that urine testing does allow a longer timeline for detection of cannabis (which can be up to a period of 28 days) in comparison to swab testing (which can be 24 – 36 Hours). The main benefit of the oral swabbing method is that a test can be carried out to give an immediate indication at “point of contact” and if showing positive can be followed up by a urine test in appropriate conditions.

A comprehensive assessment of effectiveness is due to be discussed later this month by the senior operational Managers.

Civil Partnership Ceremonies in Prison

Lord Morrow asked the Minister of Justice (i) how many civil partnership ceremonies have taken place in each prison in each of the last three years; and (ii) how many of these were for spouses who were both in custody.

(AQW 4253/11)

Minister of Justice: No civil partnership ceremonies have taken place in any prison in Northern Ireland in the last three years.

Legal Aid Bill

Mr G Campbell asked the Minister of Justice to detail the legal aid bill in each of the last three years.

(AQW 4260/11)

Minister of Justice: Legal Aid Expenditure from 2007/08 – 2009/10

Financial Year	2007/08	2008/09	2009/10
Legal Aid Fund Expenditure £m	75.6	75.3	92.5
NILSC Grant in Aid £m	7.0	7.2	8.1
Total £'m	82.6	82.5	100.6

The Grant in Aid figures provided account for the administrative costs of running the Northern Ireland Legal Services Commission.

Detecting Drugs in Prisoners

Mr P Givan asked the Minister of Justice to detail (i) the cost incurred by the Prison Service in developing the new system for detecting drugs in prisoners through oral swab testing kits; and (ii) what contractual commitments have been made in relation to this issue.

(AQW 4298/11)

Minister of Justice:

- (i) There was no cost in developing the new system for detecting drugs in prisoners through oral swab testing as NIPS did not develop a bespoke system but has purchased an existing 'system' by way of normal procurement procedures.
- (ii) The contract commenced on 1 September 2009 and is to run for two years with extensions for a further two years. The contract is in two parts (a) Oral swab testing (b) Urine testing. Urine testing is used in all establishments for detecting drugs in prisoners however in October 2010 oral swab testing was introduced as a pilot project to be evaluated over three months. The pilot project concluded last month and results are being considered.

Slaughtering Instruments

Lord Browne asked the Minister of Justice (i) to list examples of firearms, adapted or otherwise, that may be considered slaughtering instruments under the Firearms (NI) Order 2004; and (ii) to provide a definition, in practice, of a slaughtering instrument.

(AQW 4315/11)

Minister of Justice:

- (i) The Department does not maintain a list of items that meet the definition of "slaughtering instrument" contained in the Firearms (Northern Ireland) Order 2004. Each application for a firearm certificate in respect of a "slaughtering instrument" is dealt with on an individual basis by the Chief Constable within the firearms licensing regulations.
- (ii) The Firearms (Northern Ireland) Order 2004 defines a slaughtering instrument "...as a firearm which is specially designed or adapted for the instantaneous slaughter of animals or the instantaneous stunning of animals with a view to slaughtering them". There is no "in practice" definition.

UK-wide Operation Ore

Lord Morrow asked the Minister of Justice how many people have been convicted in Northern Ireland as a result of the UK-wide Operation Ore.

(AQW 4316/11)

Minister of Justice: 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 convicted as a result of a specific operation. If the Member would want any further information on the police operations he may wish to contact the Chief Constable.

Operation Mazurka

Lord Morrow asked the Minister of Justice how many people have been convicted as a result of Operation Mazurka.

(AQW 4332/11)

Minister of Justice: 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 convicted as a result of a specific operation. If the Member would want any further information on the police operations he may wish to contact the Chief Constable.

Drugs Detection Policy in Prisons

Mr P Givan asked the Minister of Justice what consideration was given to the views of those with operational responsibility for implementing the drugs detection policy in prisons before the new oral swab system was introduced.

(AQW 4373/11)

Minister of Justice: Regular planning and information meetings were held over a two year period prior to the introduction of mandatory drug testing, and new point of contact test kits for urine and saliva. Operational staff were involved in regular meetings in all of the establishments and at Headquarters. All views expressed were fully considered and a two month internal consultation period was held before the new policy was introduced.

Indecent Chanting at Football Matches

Mr K Robinson asked the Minister of Justice, given that indecent chanting is not currently an offence, why he listed it as one of the offences which occurred at football matches in his answers to AQW 2703/11, AQW 2704/11 and AQW 2707/11.

(AQW 4425/11)

Minister of Justice: In answering these earlier Assembly Questions, I tried to be as helpful as possible in presenting the relevant information. The purpose of this was to show the frequency and breadth of incidents of misbehaviour that had occurred at sports matches in recent years. When I referred to 'type of offence' in the table I provided, I intended to include not only current offences, but also the main sport-related offences set out in the Justice Bill.

Department for Regional Development

Non-Executive Directors from the Board of NI Water

Mr P McGlone asked the Minister for Regional Development on what date (i) he decided to remove the Non-Executive Directors from the Board of NI Water; (ii) the Permanent Secretary sought permission to commence the recruitment process for new Non-Executive Directors; and (iii) he gave consent to begin this recruitment process.

(AQW 3899/11)

Minister for Regional Development (Mr C Murphy):

- (i) I decided to remove four of the Non-Executive Directors from the Board of Northern Ireland Water on 11 March 2010. (ii) & (iii) My Department provided me with a submission on 12 March 2010, including a draft Oral Statement which referred to the fact that the "Department [would be taking] action to appoint a number of new non-executive directors to the Board of NIW on an interim basis, pending the outcome of a full public appointments process." I approved the submission the same day - thereby conveying my consent for officials to take whatever actions were necessary to begin the recruitment process.

Insurance for Reservoirs

Mr P Weir asked the Minister for Regional Development to detail (i) the total annual cost to his Department of providing insurance for (i) all the reservoirs under its control; (ii) the Lower Ballysallagh reservoir; and (iii) the Upper Ballysalagh reservoir.

(AQW 3920/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that it considers the annual cost of insurance for reservoirs to be commercially sensitive information, the release of which may prejudice its ability to ensure best value for the public when renewing insurance cover.

Budget Plans for Translink

Mr A Easton asked the Minister for Regional Development to outline his budget plans for Translink in each of the next four years.

(AQW 3943/11)

Minister for Regional Development: The current draft revenue and capital budgets for Translink in each of the next four years are set out in the table below:

	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Revenue funding	70.5	68.9	64.7	65.4
Capital funding	93.6	21.4	10.3	37.1

These figures are subject to change depending on the outcome of the public consultation on the draft budget.

Translink have started to formulate its own budgets and Corporate Plans for the next four years but clearly until final budgets are agreed this cannot be finalised.

These figures include the impact of the Budget 2010 Savings Delivery Plan, as detailed in 'Draft Budget 2011-15: Spending and Saving Proposals within Department for Regional Development' and available on the departments website.

Blue Badges for People with a Disability

Mr P Callaghan asked the Minister for Regional Development to detail any age restrictions which apply to the entitlement for blue badges for people with a disability.

(AQW 3962/11)

Minister for Regional Development: My Department's Roads Service has advised that children under two years of age do not normally qualify for a badge on the basis that they may be carried or conveyed in a pushchair.

However, with effect from 1 April 2009, children under two may be issued with Blue Badges, if they have a disability due to a medical condition and need to travel with bulky equipment, or be close to a vehicle for emergency medical treatment.

Blue Badges issued under this amendment expire on the day after the child's 2nd birthday. The child then becomes eligible for a badge under the normal criteria.

A1 Dual Carriageway in the Dromore to Banbridge Areas

Mr C McDevitt asked the Minister for Regional Development to detail any reviews that have been carried out of the 60 mph limit on the stretch of the A1 dual carriage-way in the Dromore to Banbridge areas.

(AQW 3983/11)

Minister for Regional Development: The Member will be aware of the significant improvements carried out by my Department's Roads Service to the A1 dual carriageway in the Banbridge and Dromore areas in recent years. Whilst this work has seen the introduction of four grade separated junctions on this route, informal reviews of the speed limits, carried out by the PSNI and officials from my Department, have concluded that, in the interests of road safety, the 60mph limit should at this time remain in place for those stretches to which it currently applies. This situation will be reviewed periodically as work progresses on the proposed A1 Junctions Phase 2 scheme.

Compensation

Ms M Ritchie asked the Minister for Regional Development, pursuant to AQW 3243/11, in relation to his Department's position on offering compensation to households which were without water during the recent water shortage crisis, for his assessment of the fact that no amelioration or mitigation measures were provided to these households.

(AQW 3984/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that an operation was mounted to provide supplies of water by alternative means. This included the distribution of over half a million litres of bottled water from distribution centres throughout the North, the deployment of 157 static tanks and bowsers from which water could be collected and the use of tankers. These mitigation measures were made possible by the support provided by many public sector and voluntary bodies. Furthermore, the Executive review of the response to the recent emergency, which will report at the end of February, will cover the issues you have raised.

Severity of Weather Conditions

Ms M Ritchie asked the Minister for Regional Development, pursuant to AQW 3251/11, whether he intends to consider the impact of climate change and the advice from the Meteorological Office in relation to the severity of weather conditions during future winters.

(AQW 3985/11)

Minister for Regional Development: My Department's Roads Service will, as with all such significant weather events, examine the operational effectiveness of its response to this season's snow and low temperatures and take on board any lessons learnt. I can confirm that this examination will include, amongst other considerations, the potential impact of climate change and the advice from the Meteorological Office in relation to the severity of weather conditions during future winters.

Ballymagorry Waste Water Treatment Works

Mr A Bresland asked the Minister for Regional Development what capacity is left at Ballymagorry Waste Water Treatment Works.

(AQW 3997/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that Ballymagorry Wastewater Treatment Works is currently operating at full capacity and there is no scope for additional connections to the sewerage system in the area served by the Works.

Although the Works is approximately 50 years old, some investment a number of years ago has enabled NIW to maintain its compliance with the existing discharge consent set by the NI Environment Agency.

Procurement Breaches at Roads Service

Mr P McGlone asked the Minister for Regional Development to detail (i) how many procurement breaches were found at Roads Service by his Department's Internal Audit in (a) 2005/06; (b) 2006/07; (c) 2007/08; (d) 2008/09; (e) 2009/10; and (f) 2010/11 to date; (ii) when each of these breaches was confirmed; (iii) when and what action was taken in each instance; and (iv) to whom did internal audit report its findings.

(AQW 4014/11)

Minister for Regional Development: Please refer to my answer in respect of AQW 3897/11. The information provided regarding "the Department" also took account of its Executive Agency, Roads Service and so a response to AQW 4014/11 has previously been provided.

NI Water Capital Programmes

Mr C McDevitt asked the Minister for Regional Development, for each of the last four years, to detail (i) his Department's calculation of the weighted average cost of capital and the associated depreciation for the parts of NI Water capital programmes that are financed by borrowing; (ii) the cost of borrowing to his Department on behalf of NI Water; and (iii) the amount which his Department expects to receive from NI Water in interest payments and capital payments.

(AQW 4048/11)

Minister for Regional Development: During the Strategic Business Period (2007-08 to 2009/10) NI Water used a weighted average cost of capital (WACC) of 5.15% (an average for the 3 year period). The Utility Regulator, as part of its Price Control 2010 Final Determination, has recommended a WACC of 4.78% over the PC10 period (2010-11 to 2012-13). The figures for the associated depreciation for the parts of NI Water's capital programmes that are financed by borrowing are not available as loans are issued on the basis of the value of capitalised works completed at the date of the Subscription Notice and are not related to individual assets.

There is no cost of borrowing to my Department on behalf of NI Water.

In the last 3 years (since the establishment of NI Water) the Department has received £9.7m, £17.9m and £26.9m in interest payments from NI Water. It expects to receive about £35m in total in this financial year. No capital repayments have yet been made by NI Water to the Department, as under the Instrument constituting £1,280,200,000 Fixed Coupon unsecured Loan Notes 2027 the Loan Notes will be redeemed on 31 March 2027.

NI Water: Jobs

Mr C McDevitt asked the Minister for Regional Development to detail (i) the current number of jobs within NI Water, and contractors engaged with NI Water, involved in carrying out capital works; and (ii) how many of these jobs will be lost as a result of reduced funding.

(AQW 4053/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that (i) the number of employees directly involved in carrying out capital work is 119, and there are approximately a further 26 employees with some indirect involvement. The number of contractors working for NIW carrying out capital work in 2010/11 is 43.

- (ii) The funding provision for NIW has still to be agreed with my Department and NIW is therefore not in a position, at this time, to be certain of the capital projects likely to be affected and any consequential affect on job losses.

Goldline Passengers

Mr P Callaghan asked the Minister for Regional Development, for the last 12 months, to detail the percentage of Goldline passengers that travelled on each of the following services (i) 218/219; (ii) 238/238A; (iii) 250/251; (iv) 212; and (v) 256.

(AQW 4095/11)

Minister for Regional Development: The attached table provides the information requested as provided by Translink.

Service	Route	% against total number of passengers using Goldline services
218 / 219	Coleraine – Ballymena - Belfast	12.6%
238 / 238a	Newry - Banbridge - Belfast	14.3%
250 / 251	Armagh - Portadown - Belfast	6.5%
212	Londonderry/Derry - Belfast	22.1%
256	Larne - Belfast	4.8%

Winter Gritting Policy

Mr P Weir asked the Minister for Regional Development whether his Department intends to review the winter gritting policy; and the reasons why this policy has not been updated since 2001.

(AQW 4101/11)

Minister for Regional Development: The current winter season has seen the longest uninterrupted sub-zero spell in the North since 1881 and this extreme weather presented a challenging test for Roads Service's winter gritting policy. It is worth noting that the North was one of the few areas in these isles, and further afield, where the strategic road network was kept open at all times during the prolonged period of adverse weather, thus avoiding the economic damage experienced by other areas. This was achieved due to the effective management of the gritting operations carried out by Roads Service and application of its current policy of targeting the limited resources available for this service on the busier main through routes.

After all significant weather events, Roads Service examines the operational effectiveness of its response and takes on board any lessons learnt from here and other Road Authorities, to ensure our preparedness for winter weather. I can inform you that, following previous such exercises, Roads Service has updated its policy on a number of occasions since 2001, most recently in September 2010.

I can confirm that the current winter service policy operated by Roads Service has met its objectives during the recent adverse weather. In light of this outcome, coupled with the significant resources already deployed by Roads Service and the budget constraints that my Department is facing during the next four years, I currently have no plans to review the winter gritting policy.

Water Meters

Mr C McDevitt asked the Minister for Regional Development whether he plans to instruct NI Water to stop installing water meters or if he intends to allow NI Water to continue, in order to keep open the option of water charging.

(AQW 4110/11)

Minister for Regional Development: Northern Ireland Water (NIW), under article 81 of the Water and Sewerage Services Order 2006, is required to make the fitting of a water meter a condition of its complying with a notice to connect a domestic property to the public water supply. The requirement relates to new and existing domestic properties obtaining first-time water services.

I advised the Assembly, in my statement of on 13 September 2010, that I intend to bring long term proposals concerning NIW's status to the Executive in 2011.

Payments by NI Water to the Exchequer

Mr C McDevitt asked the Minister for Regional Development to provide a table detailing the total payments made by NI Water to the Exchequer in each year since 2007, in the form of (i) tax; (ii) dividends; (iii) interest payments; (iv) repayment of loans; and (v) rates.

(AQW 4111/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that it has interpreted the question as any payments to government departments in each year since 2007 as follows:

	Year end 31-03-08 £million	Year end 31-03-09 £million	Year end 31-03-10 £million	10 months to 31-01-11 £million
(i) Tax (Note 1)	0	0	0	0
(ii) Dividends (Note 2)	0	34.0	35.0	36.0
(iii) Interest (Note 2)	9.7	17.9	26.9	17.1
(iv) Loan	0	0	0	0
(v) Rates (Note 3)	11.8	11.5	10.3	13.9

All amounts are exclusive of VAT.

Note 1 NIW has paid no corporation tax since 2007 because the company is in a tax loss position due to substantial capital allowances on its fixed assets. NIW acts as a collector of PAYE, national insurance and construction industry scheme payments on behalf of HMRC. NIW is in a net repayment position in respect of VAT (it receives a refund of VAT in respect of the difference between its input VAT and output VAT).

Note 2 Payments to the Department for Regional Development.

Note 3 Payments to the Department of Finance and Personnel.

NI Water: Efficiency Gap Between the Water Industry in Scotland

Mr C McDevitt asked the Minister for Regional Development for an estimate of (i) the efficiency gap between NI Water and the publicly-owned water industry in Scotland in 2009/10; and (ii) the cost of this gap to public expenditure.

(AQW 4113/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that the Utility Regulator (UR) is required to set efficiency targets for NIW. To do this the UR has developed a relative efficiency methodology which is based on that used by OFWAT, and benchmarks NIW against comparator companies in England and Wales (E&W). The methodology uses econometric analysis of both financial and non financial data submitted by the companies each year. This econometric analysis allows the UR and NIW to measure the gap between NIW and the 'frontier' company in E&W. The datasets necessary to allow this analysis to be carried out for 2009/10 have not yet been released by OFWAT, however, the analysis has been completed by UR and NIW for the years up to and including 2008/09.

In their Cost and Performance Report 2007-10³ the UR calculated the operating cost efficiency gap as follows:

3 Cost and Performance Report 2007-10 – An assessment of NI Water's cost and performance (Dec 2010) Northern Ireland Authority for Utility Regulation

	Efficiency Gap		
	2007-08	2008-09	2009-10 (forecast)
NIW to E&W average	42.6%	39.5%	35.5%
NIW to benchmark 'frontier'	48.7%	43.2%	40.5%

NIW is projecting that the gap to the E&W frontier company might close over the remainder of the PC10 period, to approx 25% by the end of 2012-13.

As Scottish Water (SW) does not form part of the group of comparator companies used by UR. NIW is unable to use this analysis to assess the gap between NIW and SW. However, the Water Industry Commissioner for Scotland (WICS) – the SW regulator, uses similar analysis to assess the efficiency gap between SW and E&W comparators. The most recent published data available from WICS indicates that there was a 10% operating cost efficiency gap between SW and the upper quartile of the most efficient E&W comparator companies in 2007/08. NIW estimates that SW was approximately 12% less efficient than the frontier benchmark in 2007/08.

(II) THE COST OF THIS GAP TO PUBLIC EXPENDITURE

	2008/09
NIW modelled Operating Costs	£136.7m
NIW operating costs at benchmark	£77.8m
Difference	£58.9m
Efficiency Gap to frontier	43.2%
Notional NIW modelled operating costs at 12% gap to frontier	£88.4m
Notional operating cost savings per annum at 12% efficiency gap	£48.3m

NIW estimate that SW was approximately 12% less efficient than the frontier E&W company in 2007/08. The UR calculated that NIW was 43% less efficient than the frontier company in 2008/09. Using the URs 2008/09 analysis (the most recent year in which a complete dataset for analysis was available) and assuming the SW gap to the E&W frontier remains at 12%, NIW estimate that in order to reduce its efficiency gap to 12% it would have to reduce its modelled operating costs by £48.3m. It is worth noting that the PC10 Final Determination requires NIW to reduce its operating costs by £40.6m (in 2008/09 prices) between 2008/09 and 2012/13.

NIW has advised that in delivery of its capital programme for the 3 year Strategic Business Plan from 2007/08 to 2009/10, it delivered the required outputs within the budget allocated. NIW therefore achieved the target capital efficiencies that were applied to the budget. These varied from year to year in the Strategic Business Plan but aggregated to approximately 10% (£70M) for the full 3 year period.

NI Water: Discussions with the Treasury

Lord Empey asked the Minister for Regional Development what discussions he has had with the Treasury in relation to the future of NI water in the last 12 months; (ii) the outcome of any such discussions; and (iii) whether any provision has been made in the Budget 2011-2015 for liability arising from demands from the Treasury for VAT or capital depreciation.

(AQW 4127/11)

Minister for Regional Development:

- (i) & (ii) In line with agreed conventions I have had no discussions with the Treasury in relation to the future of Northern Ireland Water in the last 12 months. (iii) While capital depreciation is included

in the Budget 2011-2015, no provision has been made for liability arising from demands from the Treasury for VAT.

A8 Road

Mr D Kinahan asked the Minister for Regional Development to detail the number of cars which travelled on the A8 through Ballynure in each month of 2010.

(AQW 4128/11)

Minister for Regional Development: My Department's Roads Service has advised that it collects data from approximately 300 automatic traffic census sites located throughout the North's road network. For the A8 at Ballynure, data is collected at the traffic census point at Craiginorne.

Roads Service classifies vehicles using the DoENI5 system of classification, in which cars, cars towing trailers and light vans are classified as Class 1. The average daily traffic flows for Class 1 vehicles, for each month of 2010, are detailed in the table below:

Year 2010	Average Daily Total of Class 1 Vehicles (Both Directions)
January	10,073
February	10,887
March	11,331
April	11,488
May	11,695
June	11,677
July	10,909
August	11,905
September	11,392
October	11,012
November	10,430
December	10,909

Chair of NI Water

Mr T Elliott asked the Minister for Regional Development to detail (i) when exactly he became aware of Philip Holder having applied for the position of the Chair of NI Water; and (ii) whether he informed the First Minister or deputy First Minister of a potential risk of conflict of interest.

(AQW 4130/11)

Minister for Regional Development:

- (i) I became aware of Philip Holder having applied for the position of the Chair of NIW on 21 May 2010. (ii) Yes, I recently wrote to the First Minister and deputy First Minister to advise them accordingly.

NI Water and Water Service

Mr C McDevitt asked the Minister for Regional Development to detail the capital investment, with an estimated life of five years or more, and the amount borrowed each year, by (i) NI Water; and (ii) Water Service in each financial year since 2004/05.

(AQW 4143/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that the following table provides the information requested.

Water Service	Capital investment with an estimated life of 5 years or more £ million	Cumulative borrowings at year end £ million
2004/05	231.9	1.412
2005/06	265.2	-
2006/07	240.5	-

The borrowings by Water Service were in respect of loans inherited on its formation from local councils in 1973. They were fully repaid in 2005/06. Funding Water Service's capital investment programme was mainly provided through Vote income.

NIW	Capital investment with an estimated life of 5 years or more £ million	Cumulative borrowings at year end £ million
2007/08	239.0	307.56
2008/09	268.6	457.56
2009/10	246.1	627.56

All amounts are expressed exclusive of VAT.

The borrowings by NIW at each year end include £150 million initial loan from my Department on the formation of the company on 1 April 2007. All borrowings in NIW relate to the £1,280,200,000.00 fixed coupon unsecured loan note instrument 2027 in accordance with which NIW issues loan notes to my Department.

Bottled Water from Scotland

Mr J Dallat asked the Minister for Regional Development how many bottles of water were received from Scotland during the water crisis; and how many bottles from this consignment are now in storage.

(AQW 4158/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the number of bottles of water received from Scotland during the freeze/thaw incident and the number now in storage, is as detailed in the table below.

Quantity of Bottles Received	Bottles Remaining In Storage
190,080 x 1.5 litre	42,768 x 1.5 litre
87,360 x 2 litre	79,680 x 2 litre
Total 277,440	Total 122,448

Document Production

Mr J Dallat asked the Minister for Regional Development to detail (i) the cost of leaflets and other glossy “public facing” documentation produced by his Department in each of the last three years; (ii) the total value of the contracts for this documentation which was procured through tender; and (iii) the value of the contracts which were awarded to a Scottish firm without considering local firms through existing DRD frameworks.

(AQW 4159/11)

Minister for Regional Development: The following table sets out the expenditure by my Department in each of the last three years on leaflets and other glossy “public facing” documentation and how the work was commissioned. The major proportion of the expenditure was incurred on contracts procured through tenders or quotations conducted in accordance with public procurement policy. The remainder related to work commissioned in-house through the Department of Finance and Personnel’s Central Print Unit.

Information Required	2007/08	2008/09	2009/10
(i) cost of leaflets and other glossy “public facing” documentation.	£41,451	£115,479	£45,561
(ii) the total value of the contracts for this documentation which was procured through tender or quotation.	£39,982	£113,606	£44,463
(iii) total value of contracts carried out in-house by DFP’s Central Print Unit	£1,469	£1,873	£1.098

No contracts were awarded to a Scottish firm.

Employees of Water Service and NI Water

Mr J Dallat asked the Minister for Regional Development to detail the wage and salary cost of (i) full-time employees; and (ii) part-time employees, including agency workers, temporary staff, consultants and fixed term appointments, in (a) the Water Service; and (b) NI Water in each year from 2005 to 2009.

(AQW 4160/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that the following table provides the information requested.

	Water Service 2005-06 Outturn £m	Water Service 2006-07 Outturn £m	NIW 2007-08 Outturn £m	NIW 2008-09 Outturn £m
(i) Salaries & Wages	56.4	52.8	59.9	60.8
(ii) Temps & consultancy	7.5	13.4	14.6	11.8
Totals	63.9	66.2	74.5	72.6

The formation of NIW required the creation of a new pension scheme, which has to be fully funded by NIW, contributed to the increase in salaries and wages from 2007/08 onwards.

Water Consumption

Mr C McDevitt asked the Minister for Regional Development to state what the reduction in water consumption would be if every toilet was replaced by a dual flush toilet.

(AQW 4162/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that it is not possible to accurately calculate total potential water savings given the variables of the different sizes of cisterns commonly in use at different periods of time, the makeup of the housing stock and the flushing habits of users.

Toilet flushing accounts for about 30% of the total water used in a household. An old style single flush toilet, ie pre-2001, can use between 9 - 13 litres of water in one flush (although volumes vary depending on age and manufacturer) whereas the new, more water efficient dual-flush toilets installed since 2001, use only six litres for a full flush and three litres with a reduced flush. It is estimated that on average a household toilet flushes 5,000 times per year, so dual flush toilets would save a minimum of 15,000 litres per toilet. Cistern displacement bags (hippo bags) which are available on request from NIW save approximately 3 litres per flush. These are suitable for cisterns of 9 litres and above. NIW actively promotes water conservation and during its 2010 Water Efficiency and Education Programme it distributed over 2,000 hippo bags.

NI Water

Mr C McDevitt asked the Minister for Regional Development to detail the total amount which NI Water has paid in tax in each year since 2007; and how much it's predecessor paid in tax in the three years before his tenure as Regional Development Minister.

(AQW 4164/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that it has paid no corporation tax since 2007 because the company is in a tax loss position due to substantial capital allowances on its fixed assets.

Water Service did not have to pay corporation tax as it was part of Central Government.

NIW acts as a collector of PAYE, national insurance and construction industry scheme payments on behalf of HMRC. Water Service acted in a similar position.

NIW is in a net repayment position in respect of VAT (it receives a refund of VAT in respect of the difference between its input VAT and output VAT). Water Service acted in a similar position.

NI Water

Mr C McDevitt asked the Minister for Regional Development, given the desire to produce a long term structure for NI Water which will produce the best service at the least cost, whether he and NI Water will engage openly and constructively with the Assembly regarding the technicalities of NI Water's governance and financial arrangements.

(AQW 4167/11)

Minister for Regional Development: In my statement to the Assembly on 13 September 2010 I outlined proposals that were aimed at addressing the governance of the water industry in the short and longer term.

I said I intended to submit proposals to the Executive on the long term governance arrangements for water and sewerage services before the end of the current session. It remains my view that governance arrangements should be based on water and sewerage services being delivered by a body clearly within the public service, subject to public sector controls and standards, and not set up to be privatised or introduce separate water charges. Any proposals agreed by the Executive would be subject to public consultation. Any necessary legislative changes would be subject to Assembly scrutiny.

In the short term, I proposed the amendment of existing legislation to clarify current governance arrangements. The Executive has agreed to my bringing forward a Bill to put short-term measures into effect. In addition, we have concluded agreements with the regulator, initiated a non-executive directors' appointments process and officials are working on a revision of detailed governance controls between DRD and NIW.

A2 Road

Mr G Campbell asked the Minister for Regional Development what was the average volume of vehicles per day using the A2 between Maydown and Londonderry Airport in 2010.

(AQW 4180/11)

Minister for Regional Development: My Department's Roads Service has advised that it collects data from approximately 300 automatic traffic census sites located throughout the entire road network in the North. I can advise the Member that none of these automatic traffic counting sites are currently situated at the location requested. However, details of the most recent Annual Average Daily Traffic (AADT) flow recorded at two traffic census sites located on the A2, between Derry and Limavady, are shown in the table below:

Location	AADT (2 Way)
A2 Limavady – Derry at Greysteel	13,780
A2 Limavady – Derry at Gransha	27,345

Capital and Resource Investment in the West Belfast Constituency

Mrs D Kelly asked the Minister for Regional Development how much his Department spent on (i) capital investment; and (ii) resource investment in the West Belfast constituency, in each of the last two years.

(AQW 4200/11)

Minister for Regional Development: My Department's Road Service has advised that, on the basis that it maintains details of its expenditure by council area and not on a parliamentary constituency basis, it is unable to provide the information in the format requested. However, details of the capital and resource expenditure in each of the last two financial years for both the Belfast City and Lisburn City Council areas, are set out in the table below:

	2008/09 £,000	2009/10 £,000	Total £,000
Capital			
Belfast City Council	11,503	10,475	21,978
Lisburn City Council	2,345	5,228	7,573
Total	13,848	15,703	29,551
Resource			
Belfast City Council	13,976	11,849	25,825
Lisburn City Council	7,704	4,338	12,042
Total	21,680	16,188	37,868

Roads Service's total expenditure on capital includes major capital schemes, minor capital schemes, street lighting renewal, land, capital structural maintenance and other capital activities.

Following the NICS's adoption of International Financial Reporting Standards (IFRS) in 2009/10 and in order to comply with International Accounting Standards (IAS 16), the structural maintenance activities of resurfacing, reconstruction, surface dressing and structural drainage were reclassified as capital. These were classified as resource prior to 2009/10.

I should also explain the basis upon which Roads Service divides its total budget for capital expenditure on roads across all the district council areas. Major road improvements are prioritised on a countrywide basis, taking account of a broad range of criteria, such as strategic planning policy, traffic flow, number of accidents, potential travel time savings, environmental impact, accessibility and value for money. While the actual spend on a major works scheme may be within one district council area, the benefits of such schemes are not confined to the district council, constituency or county in which they are located.

It has been possible to identify the capital investment made by Translink in the West Belfast constituency in each of the last two financial years in relation to projects undertaken. Details of the projects, all of which relate to the Falls Road bus depot, and costs, are set out in the table below:

Project	2008/09	2009/10
Modification of Shutter Safety System	£10,920	
Staff Security Measures	£5,071	£5,237
Refurbishment of CCTV Systems Phase 1	£35,393	£2,084
Refurbishment of CCTV Systems Phase 2	£92,147	£5,540
Improvements to the Building condition		£69,290
Set of Lifting Jacks		£15,893
Assessment of Gas Powered Heating System		£9,209
Provision of Replacement Air Compressor		£12,365
Installation of Fall Arrest System		£12,146
Total	£143,531	£131,764

During these financial years, my Department has invested in the purchase of new modern buses, some of which have been deployed in the West Belfast constituency. It is not possible to assign a specific sum to this investment.

Similarly, it is not possible to identify resource expenditure for public transport, as expenditure does not relate to an individual constituency. However, I can advise that the expenditure for concessionary fares travel for Citybus/Metro was £8.2m in 2008/09 and £10.1m in 2009/10, and for the Fuel Duty Rebate scheme it was £2.7m in 2008/09 and £2.9m in 2009/10.

NI Water

Mr C McDevitt asked the Minister for Regional Development to provide an estimate of the subsidy which will be paid to NI Water in the (i) 2010/11; (ii) 2011/12; (iii) 2012/13; and (iv) 2013/14 financial years.

(AQW 4212/11)

Minister for Regional Development:

2010/11	2011/12	2012/13	2013/14
£266 million	£271 million	£276 million	n/a

As a result of its classification as an NDPB for PE purposes, it is the expenditure of Northern Ireland Water which scores in my Department's DEL (Resource DEL and Capital DEL). The subsidy is a non budget item which does not score against the NI DEL.

The estimate for 2010/11 is the current outturn estimate for the current financial year; the estimates for 2011/12 and 2012/13 are the estimates set out in the Regulator's Final Determination plus an amount for the septic tank emptying subsidy (which is unregulated). There is currently no estimate for 2013/14.

Capital Asset of NI Water

Mr C McDevitt asked the Minister for Regional Development (i) if the capital asset of NI Water has been transferred back to his Department; (ii) if the original capital value of £6 billion has been restored; (iii) if his Department is now responsible for the capital charge; and (iv) to provide an estimate of the capital charge in the (a) 2010/11; (b) 2011/12; (c) 2012/13; and (d) 2013/14 financial year.

(AQW 4213/11)

Minister for Regional Development:

- (i) No, the capital asset of NIW has not been transferred back to my Department. (ii) No, the capital value of the Water Service assets was written down when NIW was established and this remains the case. (iii)-(iv) No, in line with the Government Financial Reporting Manual, capital charges (cost of capital), are no longer charged to Departments.

NI Water

Mr C McDevitt asked the Minister for Regional Development whether NI Water has been reclassified as a non-departmental public body by the Office of National Statistics.

(AQW 4214/11)

Minister for Regional Development: Yes, the Office of National Statistics has reclassified Northern Ireland Water as a non departmental public body for public expenditure purposes.

Deferral of Water Charges

Mr C McDevitt asked the Minister for Regional Development for his assessment of how the deferral of water charges for domestic users meets the obligations under Article 9 of the European Water Framework Directive, which states that EU countries should ensure that by 2010 'water pricing policies provide adequate incentives for users to use water resources efficiently' and that households should make an 'adequate contribution' to the recovery costs of water services.

(AQW 4215/11)

Minister for Regional Development: The Executive's response to implementation of the Water Framework Directive, including Article 9, is set out in the River Basin Management Plans (section 3) covering the North. Plans may be accessed on the DoE website via the following link:

http://www.doeni.gov.uk/niea/water-home/wfd/north_eastern_rbp.htm

NI Water Staff: Taxis

Mr J Dallat asked the Minister for Regional Development to detail the cost of taxi fares incurred by NI Water staff commuting between Northland House, Frederick Street, Belfast and Capital House, Queen Street, Belfast in each of the last two years.

(AQW 4218/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the approximate amount spent on taxi fares for its staff commuting between Northland House and Capital House, Belfast in each of the last two years was as follows:

Financial Year	Total Spend
2009-2010	£235
2010-2011	Nil

These costs were duly authorised in accordance with existing company policy governing the reimbursement of taxi costs.

Legal Fees

Mr J Dallat asked the Minister for Regional Development to detail (i) the amount paid in legal fees, and related expenses, to legal consultants, Dundas and Wilson, in each of the last four years; and (ii) whether local firms were sourced to carry out this work.

(AQW 4219/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that (i) the approximate amount paid in legal fees, and related expenses, to legal consultants, Dundas and Wilson, in each of the last four years is as included in the table below.

Year	Amount Paid £
2007/08	489,000
2008/09	1,010,000
2009/10	839,000
2010/11 (10 months)	487,000

The amounts above are stated exclusive of VAT. Please note that there is approximately a further £490,000 pending payment in 2010/11 which is not included in the above table.

- (ii) Dundas and Wilson were appointed as the Legal Services Provider to Water Service in August 2006 following an open tender process. Local firms were not precluded from applying as part of the tender process.

NI Water's PC10

Mr J Dallat asked the Minister for Regional Development to detail the cost of drafting NI Water's PC 10 for submission to the Northern Ireland Authority for Utility Regulation, including (i) salaries; (ii) consultants; (iii) the Consumer Council for Northern Ireland, and other stakeholder consultancy; (iv) market research; and (v) publication and printing costs.

(AQW 4220/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the approximate costs directly attributed to the PC10 project totalled £1,641,000. The analysis of these costs is provided below:

- (i) salaries – £146,000;
- (ii) consultants - £697,000;
- (iii) the Consumer Council for Northern Ireland (CCNI), and other stakeholder consultancy – these costs related to market research for the CCNI publication entitled 'Tapping into Consumer Views on Water' (March 2009). See (iv) below;
- (iv) market research – £79,000; and
- (v) publication and printing costs - £21,000.

The total costs of the project also included:-

Staff substitution - £385,000;

Technical Reporter - £291,000; and

Sundry costs - £22,000.

The above costs exclude VAT and do not include costs for related but separately managed projects such as Asset Management Planning.

Capital Investment in NI Water

Mr P Weir asked the Minister for Regional Development to detail the proposed level of capital investment in NI Water in each of the next four years.

(AQW 4239/11)

Minister for Regional Development: My Department's draft Budget proposes £667.5M of water and sewerage investment over the next 4 years as shown below. Consultation on my Department's draft Budget closes on 16 February 2011.

Year	2011-12	2012-13	2013-14	2014-15
DRD draft Budget (£M)	202.5	145	140	180

Capital Investment in NI Water

Mr P Weir asked the Minister for Regional Development to detail the level of capital investment in NI Water in each of the last four years.

(AQW 4240/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that its capital works programme expenditure over the four year period 2006/07 to 2009/10 was as detailed in the table below.

	2006/07 £ million	2007/08 £ million	2008/09 £ million	2009/10 £ million
Water	76	58	65	75
Wastewater	123	156	167	137
Total (£ million)	199	214	232	212

Ballyclare Waste Water Treatment Works

Mr D Kinahan asked the Minister for Regional Development to detail (i) the reason tankers visited the Ballyclare Waste Water Treatment Works between 1 January 2011 and 1 February 2011; and (ii) the contents of these tankers and the final destination of the content.

(AQW 4270/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that Ballyclare Wastewater Treatment Works provides treatment using a membrane process, whereby the wastewater is passed through a series of very fine membrane panels.

The prolonged freezing temperatures during December 2010 and subsequent thaw impacted significantly on the operation of the Works, with the failure of a number of the membrane control systems and valves and bursts on associated pipework. The treatment capacity of the Works was reduced while repair work was undertaken and as a consequence some inlet flows had to be diverted to a storm tank for storage and then transferred by tanker for treatment to other NIW facilities at Belfast and Craigavon.

During January 174 tanker loads were taken from Ballyclare Wastewater Treatment Works to the Belfast Wastewater Treatment Works at Duncrue Street and 3 tanker loads were taken to the Ballynacor Wastewater Treatment Works near Craigavon.

The contents of the tankers was a combination of wastewater sludges removed from the treatment process at the Works and liquid storm sewage removed from the storm tank.

The tankering operation was undertaken to reduce the risk of any discharge to the adjacent watercourse and Northern Ireland Environment Agency was kept fully informed of the problem at the Works and the progress of repairs.

NI Water Contractors

Mr P McGlone asked the Minister for Regional Development whether contractors working for NI Water are required to register with Companies House, and what checks are carried out to ensure they comply with any requirement.

(AQW 4273/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that it is standard practice to request information about registration under the Companies Act from Economic Operators seeking to be considered for inclusion in Restricted Lists to be invited to tender for capital construction projects or Frameworks. A credit check is undertaken on each applicant and this also covers Registration details.

The selection procedure for Goods and Services contracts asks applicants to state their type of organisation e.g. private limited company, but NIW does not ask about registration under the Companies Act or undertake any checks at Companies House. However, Registration details are checked as part of a credit rating check.

Newly formed companies, sole traders, partnerships and unlimited companies, or companies that can not provide full audited accounts for 3 years, are not excluded from participation in any competition but must satisfy rigorous financial scrutiny.

Bus Station in Comber

Mr S Hamilton asked the Minister for Regional Development to detail any recommendations or decisions made by Translink in relation to the future of the bus station in Comber.

(AQW 4469/11)

Minister for Regional Development: Translink have informed me that in its view there is no bus station at Comber, nor is such a facility planned for this location. There are 4 bus stands in a small yard at Killinchy Street, with parking for 8 buses at the same location.

Translink advise that they are currently reviewing bus operations in the Ballygowan and Comber areas in order to maintain efficient operations. As yet no decision has been taken with regard to passenger facilities in Comber. Clearly such a review will need to take account of final budgets.

Former Water Service Staff

Mr T Gallagher asked the Minister for Regional Development what progress has been made in relation to the talks with NIPSA about the loss of civil service pay and conditions for former Water Service staff who lost entitlements when they transferred to NI Water.

(AQW 4481/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that the company is not involved in any discussions with NIPSA about the loss of civil service pay and conditions for former Water Service staff who lost entitlements when they transferred to NIW. The pay and terms and conditions of service for all NIW employees who transferred across from the Water Service on 1 April 2007 are protected by the Transfer of Undertakings (Protection of Employment) Regulations 2006.

Any subsequent changes to the pay or terms and conditions of service have been applied by agreement through negotiation with the relevant trade unions.

Half Fare SmartPass

Mr R Beggs asked the Minister for Regional Development if he will consider amending the criteria for a Half Fare SmartPass to include an individual who provides medical evidence of a history of epilepsy and indicates that he/she is unable to hold a driving licence as a result of this medical condition, so that he/she will not have to apply for a driving licence and receive a refusal before applying for a Half Fare SmartPass.

(AQW 4498/11)

Minister for Regional Development: I believe that completion of the medical questionnaire of the Driving Licence application form represents the fairest means of assessing an individual's eligibility for a Half Fare SmartPass under the Driving Licence Refused/Revoked category at the time of application. I therefore have no plans to amend the current application arrangements.

NI Railways

Mr G Robinson asked the Minister for Regional Development, pursuant to AQW 4146/11, whether NI Railways subsidises the fares on the Bangor to Portadown line by offering a 10% discount, but does not subsidise the fares on any other line.

(AQW 4501/11)

Minister for Regional Development: Section 5, of the Translink Passenger's Charter, sets out obligations that arise if reliability targets are not met on specific lines. Specifically the section on Season ticket discounts.

Translink have informed me that during Period 9 (ending 26/12/2010), NI Railway's Passenger's Charter service reliability on the Bangor line fell below the target of 99.2% services operated. This was due to maintenance issues affecting rolling stock availability. Regrettably this led to cancellation of some express services on the Bangor line during peak hours when the maximum number of trains is required throughout the network. All other lines exceeded 99.2% reliability during Period 9.

Under the terms and conditions of the Passenger's Charter, NI Railways implemented a 10% discount for Bangor line passengers purchasing monthly tickets from 20 January 2011. Discounts for monthly tickets apply for one month from the above date. Separate arrangements apply for annual ticket holders.

Roads: South Antrim

Mr P Girvan asked the Minister for Regional Development which major road improvement schemes have been identified for the South Antrim area in the 2011/12 financial year.

(AQO 1065/11)

Minister for Regional Development: On the basis of the funding allocated to my Department in the draft Budget 2010, no major road improvement schemes are planned for the South Antrim area during the 2011/12 financial year.

Road Projects

Mr W Humphrey asked the Minister for Regional Development to detail which road projects have been considered for postponement as a result of the current constraints on capital spending.

(AQW 4557/11)

Minister for Regional Development: My Department's Roads Service has advised that the programme of major road improvements envisaged in the Investment Strategy 2008-18 is set out in the Investment Delivery Plan for Roads (IDP). The vast majority of major projects that were planned for delivery in the

first three years of the IDP (2008/09 – 2010/11) have now been completed. The only exception is A32 Cherrymount Link, Enniskillen, where advance works have now been undertaken although the draft Budget makes provision for completion of this scheme.

Two schemes, the A6 Randalstown – Castledawson, and the A2 Shore Road, Greenisland, are indicated in the IDP for delivery, within what is the four year period of the draft budget. Unfortunately, I am unable to progress plans to start construction of these schemes during the Budget 2010 period, due to funding constraints, when competing priorities for the maintenance, management and development of the transport network are taken into consideration.

The expected funding allocated in the draft Budget will however enable key projects to commence including construction of 99 kilometres of dual carriageway on the A5 and A8 to commence within the Budget 2010 period, and will also allow development work on the A6 Derry – Dungiven scheme to continue.

The remaining schemes in the IDP do not have a specific delivery date, other than within the period 2013/14 – 2017/18. It will not be possible to determine which schemes could proceed within this period until the ten year Investment Strategy is reviewed.

With regard to minor capital schemes, the programme of schemes to be undertaken within a financial year is generally not finalised until the budget allocations for that period are known. However, Roads Service does have a number of schemes planned and ready for construction, which can be implemented at short notice, if additional finance is made available as a result of the in-year financial monitoring rounds.

DRD: North/South Co-operation

Ms M Anderson asked the Minister for Regional Development which areas his Department has proposed as areas for further North South Co-operation under the review of the St Andrews Agreement. **(AQO 1070/11)**

Minister for Regional Development: I have recently proposed the following areas for further North South Co-operation under the review of the St Andrews Agreement:

- Navigation responsibility of Carlingford Lough Commissioners
- Collaborative Spatial Planning
- Further roads-related issues
- All-island Freight Forum
- Joint EU Funding Initiatives
- Airports and Seaports
- All-island Transport Collaboration and Integration of Services
- Islands Policy
- Water Management

I have also suggested a large number of areas for future and formal co-operation which are not directly related to my Departmental responsibilities.

- Procurement
- Research and Development
- Public information campaigns

In addition, I have identified a range of new implementation bodies, including Justice, Telecommunications and Rural Development.

City of Derry Airport

Mr T Elliott asked the Minister for Regional Development whether a business case has been prepared on his intentions to allocate £8.6 million to the City of Derry Airport.

(AQO 1071/11)

Minister for Regional Development: Derry City Council submitted a business case in support of its request for grant towards essential safety works at City of Derry Airport. This was prepared in accordance with relevant guidance and was supervised by a Steering Group, involving DRD and DFP officials. It looked at both the financial and economic case for the works.

Although the business case concluded that the financial appraisal did not meet the assessment criteria necessary to justify further public investment in the airport, it estimated the benefits to the economy of the North to be at least £276 million over the next 40 years.

I am convinced that the wider benefits that the airport will bring, as an economic gateway, outweighs the adverse financial case.

I have noted also that, if Government grant is not forthcoming, the Council will have to cut back on other projects and seek loan financing, the interest on which will have to be borne as a significant cost on the district rate.

For these reasons, I have sought and obtained the agreement of my Executive colleagues to issue a direction to my department to pay capital grant towards the cost of these important safety works.

Roads: De-icers

Mr P Callaghan asked the Minister for Regional Development why magnesium chloride and other liquid de-icers are not being trialled as an alternative to gritting roads.

(AQO 1072/11)

Minister for Regional Development: My Department's Roads Service has advised that magnesium chloride, and other liquid de-icers, are currently not being trialled as an alternative for gritting roads, primarily due to costs. Magnesium Chloride is very expensive, costing up to 12 times more, per tonne, than Rock Salt.

Furthermore, the Environment Agency has already identified the negative environmental impacts that Magnesium Chloride can have on vegetation, as well as its corrosive effects on steel and aluminium, and its propensity to attack concrete.

Within these islands, Rock Salt is still the preferred de-icer used by the majority of authorities in the delivery of cost effective winter service provision.

Sustainable Transport

Mr W Clarke asked the Minister for Regional Development for an update on the bid for the Plugged in Places electric vehicle infrastructure initiative and his Department's progress on sustainable transport.

(AQO 1073/11)

Minister for Regional Development: My Department along with the Department of the Environment are the joint leaders of a thirteen member consortium consisting of public and private organisations, which has been awarded match funding of up to £850,000 from the Office of Low Emission Vehicles towards the piloting of electric vehicle infrastructure in six locations across the North. An additional £1.5 million is being contributed by consortium members.

Officials from both Departments continue to work with Consortium members to progress this pilot project and work has now commenced on identifying potential charge point locations. To secure the supply of electric vehicles to the North's car market my Department and DOE have jointly entered into a Memorandum of Understanding with the Renault-Nissan Alliance and officials continue to work with other car manufacturers in this regard.

My Department is currently reviewing the Regional Transportation Strategy which I intend to publish for consultation shortly. In launching the review of the Regional Transportation Strategy I set out my commitment to ensure more sustainable transport arrangements which provided for a proper balance between the needs of people, business and the environment. To inform the review in this regard, my Department has taken forward work to establish the greenhouse gas emissions of road transport arrangements in the North and identify the key issues, opportunities, and challenges to be addressed.

Through its Travelwise initiative, my Department continues to promote walking, cycling, public transport and car sharing as more sustainable alternatives to the private car. To build on this work I established an Active Travel Forum last year. The Forum draws together key stakeholders from central government and the wider public sector, in addition to representatives from the business and voluntary and community sectors, to consider the wider social, economic and health benefits of active travel, while identifying the key barriers, best practice and opportunities for better alignment of existing policies and programmes. I have requested the Forum bring forward recommendations, including proposals for demonstration projects targeted at increasing walking and cycling, and reducing single occupancy car use.

Public Transport

Mr F McCann asked the Minister for Regional Development to outline his Department's progress on public transport investment.

(AQO 1074/11)

Minister for Regional Development: From 2000/01 to 2009/10 my Department has funded £307m of capital works on the railways network here.

Some of the major rail projects funded include:

- The purchase of 23 new trains;
- The construction of a new train care facility at Fortwilliam;
- The upgrade of some of the railway lines, such as the Bleach Green to Whitehead line.
- The construction of a new railway station at Newry.
- The track life extension project on the rail line between Ballymena and Derry which was part funded by the Trans European Network Programme.
- Improvements made to stations and halts across the network to bring them into line with Disability Discrimination Act legislation.

The investments have resulted in more comfortable and reliable services and have led to a 48% increase in journeys between 2001/02 and 2009/10 across the railways network.

In the period 2004/05 to 2009/10 my Department has provided funding of some £125m to assist Translink to purchase more than 820 buses. The Department has also provided the funding for the construction of new bus stations at Lisburn and Downpatrick. The recent investment has resulted in a modern bus fleet with the target of an average fleet age of no more than 8 years being met by both Ulsterbus and Metro. In addition accessibility compliance levels of 86% and 100% have been achieved by Ulsterbus and Metro fleets, respectively.

My Department also continues to support Public Transport through significant revenue support. This includes Fuel Duty subsidy, Concessionary Fares reimbursement, Rail subsidy as well as support to Rural Transport and transport for people with disabilities.

Average levels of revenue investment in Public Transport is £69m per year with £274.1m planned to be invested over the next 4 years.

Water Charges: Businesses

Mrs M Bradley asked the Minister for Regional Development if he can confirm that the real reduction in water charges for businesses will be safeguarded in light of recent cuts to his budget.

(AQO 1076/11)

Minister for Regional Development: The Regulator's PC10 Final Determination published in 3 February 2010 sets out price limits for water and sewerage charges. These price limits set a ceiling on the level of charges over the 2010/13 period which NIW should not exceed in setting annual charges through its charging scheme. NIW's annual charging scheme requires the Regulator's approval.

Rural Transport

Mr D Bradley asked the Minister for Regional Development for his assessment of the impact of the proposed reduction to the rural transport budget on rural communities.

(AQO 1077/11)

Minister for Regional Development: The allocation of future grant support from the Rural Transport Fund to Rural Community Transport Partnerships and Translink is not yet determined. My Department has set out as part of its consultation on the budget proposals how it would propose to effect savings while seeking to protect key elements of the rural transport service. The actual level of support to the Partnerships will depend upon the content of their annual business and financial plans which are sent to the Department before the start of each financial year and the resources made available to the Department in the budget. The allocation for Translink will be determined by the proposals it puts forward to the Department for support and again the budget allocation.

European Charter for Regional or Minority Languages

Mrs M O'Neill asked the Minister for Regional Development to outline the achievements of his Department, and its agencies, since 2007 in relation to obligations under the European Charter for Regional or Minority Languages.

(AQO 1078/11)

Minister for Regional Development: The European Charter for Regional or Minority Languages exists to help protect and promote regional or minority languages across Europe. This recognises that regional or minority languages are an expression of cultural wealth. My Department has instigated a number of measures since 2007 to help achieve its obligations under the Charter, which include:

- The translation of all Ministerial forewords to Plans, Reports and Consultation Documents into Irish;
- The translation of all new or revised information leaflets and application forms into Irish;
- The creation of a multilingual section on my Department's website, to provide key information on Departmental functions in Irish and Ulster Scots;
- The use of bilingual headlines in English and Irish on all advertisements placed by my Department in national and local press publications;
- The ongoing publication of significant Departmental announcements in Irish language newspapers and the use of Irish language media in campaign advertising;
- The provision of lunchtime training classes in Irish for staff to help them deal with correspondence and telephone calls received in Irish; and
- The development of a draft policy which will permit the erection of certain types of traffic sign in both English and either Irish or Ulster Scots, on the request of local councils. A consultation on the Bilingual Traffic Signs Policy issued on 10 January 2011.

My Department's Agencies and Arms-Length Bodies have also developed several initiatives under the European Charter.

NITHCo/Translink has developed a variety of materials available in Irish in response to local needs, such as school safety publications, user guides, and information at bus stops in identified Irish language areas, including the Falls Road and Shaws Road in Belfast. Cross-border services from Derry, i.e. services 274 and 296, and Bus Éireann vehicles operating between Belfast and Dublin carry bilingual destination screens.

Bi-Lingual signage is in place at Newry Rail Station and Translink are due to consult locally on bus destination signage for Metro services operating on part of the Falls Road.

NIW has provided Irish language posters and invitations for schools competitions, to encourage participation from Irish-medium schools. It is also formulating a Code of Courtesy for the Irish language.

The efforts of my Department in making its services available to Irish speakers have been recognised by Irish language groups. In May 2010 the Department for Regional Development received an award from the Belfast Media Group at its Top 50 Business as Gaelige Awards, for the best provision of services in Irish by a public sector organisation. In December 2010, my Department also received an award in the Big Business category at the Gaelgradam Loch Lao awards, organised by Forbairt Feirste.

Department for Social Development

Tenants Made Homeless as a Result of No Heating

Ms C Ní Chuilín asked the Minister for Social Development how many tenants of (i) the Housing Executive; and (ii) Housing Associations were made homeless as a result of no heating, or burst pipes and water damage to their homes since the beginning of December 2010.

(AQW 3295/11)

Minister for Social Development (Mr A Attwood): During the period 17 December 2010 to 9 January 2011 (the period considered worst affected by the adverse weather conditions) 162 Housing Executive tenants were made temporarily homeless because their homes were unreasonable to live in as a result of no heating or burst pipes and water damage. In relation to Housing Associations, 59 tenants were made temporarily homeless during the period of adverse weather conditions.

Regulator for Housing Associations

Mr P Weir asked the Minister for Social Development what consideration his Department has given to the creation of a regulator for Housing Associations.

(AQW 3667/11)

Minister for Social Development: The Department has established Housing Division as the regulatory authority under the Housing (NI) Order 1992. The number and size of Registered Housing Associations within Northern Ireland would not justify the creation of a specific regulator post.

The regulatory function has been enhanced in recent years. This is one of the reasons why associations are suspended from the development programme, why other issues and problems are/can be identified and why the general affairs and conduct of associations are now more widely known. I have told the associations that regulation will continue and, where need is identified, increased. I consider that the housing association sector requires substantial reform to build on its success to date.

Social Development Housing Programme for North and West Belfast and Derry City

Ms C Ní Chuilín asked the Minister for Social Development whether he will reinstate the ring-fenced funding, which was removed by his predecessor, in the Social Development Housing Programme for North and West Belfast and Derry City.

(AQW 3798/11)

Minister for Social Development: The Housing Executive revised their strategic guidelines for allocating the Social Housing Development Programme in 2008 when it became clear the previous approach of 'ring fencing' was no longer meeting housing need.

That previous approach was sound when concentrated levels of housing need were confined to parts of Belfast and Derry City. However it had become inflexible by not providing for the huge growth in housing need in other areas of the North, such as Lisburn, Newry and Ballymena.

The new strategic guidelines, introduced in 2008, currently distribute the Social Housing Development Programme on the basis of an area's proportionate share of total housing stress. Importantly, it is also weighted to reflect the length of time applicants wait before being rehoused. This approach targets scarce resources to those in greatest need albeit I will ensure it is kept under review to ensure it remains fit for purpose and does not become inflexible like the previous model replaced.

Social Security Appeal

Mr P Weir asked the Minister for Social Development to detail the current average waiting time for a Social Security Appeal to be heard; and how this figure compares to the same period last year.
(AQW 3861/11)

Minister for Social Development: The Social Security Agency is responsible for the receipt and preparation of benefit appeals and for their submission to the Appeals Service which provides administrative support to the Appeals Tribunal. The Appeals Service, managed by the Northern Ireland Courts and Tribunals Service (an agency of the Department of Justice) arranges for the appeals to be listed before the independent tribunal. The Appeal Tribunal is then responsible for the determination and disposal of the appeal.

The table below sets out the overall average waiting time from when an appeal is first lodged with the Agency until it reaches the first hearing stage by a Tribunal.

Benefit Group	Average Waiting Time (weeks) from April 2009 to December 2009	Average Waiting Time (weeks) from April 2010 to December 2010
Disability Living Allowance Attendance Allowance Carers Allowance	18.94	17.83
Employment and Support Allowance	17.08	18.22
Incapacity Benefit	15.66	14.20
Income Support Jobseekers Allowance Social Fund	27.10	27.37
State Pension Credit	32.50	30.44

Community Investment Fund

Mr A Easton asked the Minister for Social Development what plans his Department has for the continuation of the Community Investment Fund.
(AQW 3945/11)

Minister for Social Development: A total of 34 groups, spread across Northern Ireland, currently receive funding from my Department under the Community Investment Fund. My Department has no contractual commitments to these groups beyond March 2011. Community Investment Fund contracts

will, final budget permitting, be renewed for a further year up to March 2012 with individual allocations for 2011/12, though there will be encouragement to do work differently where appropriate.

My Department is currently examining the delivery mechanism of the Community Investment Fund; in particular to consider the future involvement of local Councils, utilising their experience in local community planning and in allocating funding to sub-regional and local Voluntary and Community sector support organisations under the current Community Support Programme. No decisions have been taken, though there may be a process of consultation this year. I stress, however, that any decision will have due regard to the best model for going forward, the unresolved issue of council reorganisation and related matters.

Community Investment Fund

Dr S Farry asked the Minister for Social Development when he intends to devolve Community Investment Fund responsibilities to District Councils.[R]

(AQW 3963/11)

Minister for Social Development: A total of 34 groups, spread across all of Northern Ireland currently receive funding from my Department by way of Contracts for Funding under the Community Investment Fund. My Department has no contractual commitments to these groups beyond March 2011. Community Investment Fund contracts will, final budget permitting, be renewed for a further year to run from April 2011 until March 2012, though there will be encouragement to do work differently where appropriate.

My Department is currently examining the future delivery mechanism of the Community Investment Fund; in particular to consider the possible involvement of local Councils, with their experience in community planning and in managing and allocating funding to the local Voluntary and Community sector through the current Community Support Programme. No decisions have been taken, though there may be a process of consultation this year. I stress, however, that any decision will have due regard to the best model for going forward, the unresolved issue of council reorganisation and related matters.

Community Investment Fund

Mr P Weir asked the Minister for Social Development whether he has any intention to move the Community Investment Fund from central to local government.

(AQW 4017/11)

Minister for Social Development: A total of 34 groups, spread across Northern Ireland, currently receive funding from my Department under the Community Investment Fund. My Department has no contractual commitments to these groups beyond March 2011. Community Investment Fund contracts will, final budget permitting, be renewed for a further year up to March 2012, though there will be encouragement to do work differently where appropriate.

My Department is currently examining the delivery mechanism of the Community Investment Fund; in particular to consider the future involvement of local Councils, utilising their experience in local community planning and in allocating funding to local Voluntary and Community sector organisations under the current Community Support Programme. No decisions have been taken, though there may be a process of consultation this year. I stress, however, that any decision will have due regard to the best model for going forward, the unresolved issue of council reorganisation and related matters.

Community Investment Fund

Mr P Weir asked the Minister for Social Development to outline his Department's long-term commitment to funding the Community Investment Fund.

(AQW 4018/11)

Minister for Social Development: The Community Investment Fund (CIF) is targeted towards community development activity with an emphasis on building more cohesive and sustainable communities. This is one of a number of programmes my Department runs providing support for local community development work. Another is the Community Support Programme (CSP) which is delivered in partnership with the 26 Councils. The overall aim of CSP is “to strengthen local communities, increase community participation and promote social inclusion through the stimulation and support of community groups, community activity and local advice services”.

Both CIF and CSP are targeted towards community development and the support of local communities. With the understanding that Councils are best placed to determine local service requirements, my Department is currently examining the delivery mechanism of the CIF; in particular to consider the future involvement of local Councils, utilising their experience in local community planning and in allocating funding to local Voluntary and Community sector organisations under the current CSP. No decisions have been taken, though there may be a process of consultation this year. I stress, however, that any decision will have due regard to the best model for going forward, the unresolved issue of council reorganisation and related matters.

Armagh City Areas at Risk Pilot Programme

Mr C Boylan asked the Minister for Social Development how much funding the Armagh City Areas at Risk Pilot Programme has received since its inception; and how has this funding been allocated.
(AQW 4030/11)

Minister for Social Development: Funding in Armagh City came into effect in 2008 following a recommendation by the NIHE that the Lisanally/Alexander estates met a number of the criteria for inclusion in the Areas at Risk Programme.

Under the title of REACT – Reconciliation, Education and Community Training, funding was initially awarded from 1 September 2008 to 31 August 2010 but this was extended to 31 December 2010. The project received funding of £140,374.44.

Further funding was made in 2010 when REACT was awarded £30,129.74 of capital funding to upgrade a play-park.

Total funding under Areas at Risk is £170,504.18.

Contracted Maintenance Works

Mr C Lyttle asked the Minister for Social Development to detail the quality control system used by the Housing Executive to monitor contracted maintenance works.
(AQW 4034/11)

Minister for Social Development: The Assembly will be aware of the Gateway Review on contract performance and my statement to the Assembly on 25 January 2011. As a consequence of this, a new tender process will be commenced in relation to a number of maintenance contracts. The contracts that will be awarded late in 2011 shall have performance terms, conditions and enforcement embedded in the contracts. I am not satisfied that quality control systems of sufficient scale and rigour have been in place and systems require significant upgrade. That is the intention and shall be the outcome of the implementation of the Gateway recommendations.

In the above context the Housing Executive has advised that in relation to Response Maintenance, they have in place quality control systems for work carried out by measured term contracts. Quality inspections are carried out by maintenance inspectors following completion of work. Inspections are set out in three bands:

1. High Risk includes jobs with a value over £750, work in relation to Change of Tenancy and adaptations for people with disability. Inspection Rate 100%.
2. Medium Risk jobs with a value in greater than £100 but less than £750 are inspected at a variable level to bring all inspections up to 20%.

3. Low Risk jobs with a value of less than £100 – current. Sample size 2% post inspected.

The Housing Executive advises that in all post inspections where a tenant is in residence, a tenant survey is carried out on site by the inspector or by Customer Service Unit staff. Quality is further monitored by the District Office using Key Performance Indicators which are measured and reported upon monthly. This is reported to the Chief Executive's Performance Review Group. There are also Repairs Inspection Unit quality audits for each District Office, carried out at least annually.

In relation to Planned Maintenance, all schemes have a full inspection regime applied. When each scheme commences on site the Contractor prepares a "Benchmark Dwelling" and the standard is agreed by a Senior Project Manager. Work completed on every dwelling is inspected by a Clerk of Works, Mechanical Inspector and an Electrical Inspector, as appropriate, to ensure the "Benchmark" standard is being applied. A Project Manager also carries out 10% inspections to ensure consistency of approach. An independent Scheme Inspection Team carries out random audits on all types of planned schemes to ensure compliance, the results of which are reported to the quarterly Audit Committee. Performance of the contractors is also measured on a monthly basis using Key Performance Indicators.

In relation to the recent freeze, which raised response maintenance works orders to a level previously unprecedented, I have already instructed that there is a full and deep evaluation of the work; the response of contractors; and that there should be accountability in relation to performance.

Theft of Copper Storage Tanks from Vacant Properties

Mr P Frew asked the Minister for Social Development how many copper storage tanks have been stolen from vacant Housing Executive properties in the (i) Ballymena; (ii) Ballymoney; and (iii) Moyle Council areas, in the last year; and what policy has he implemented to prevent the theft of copper storage tanks from vacant properties.

(AQW 4058/11)

Minister for Social Development: Five copper storage tanks have been stolen within the Housing Executive's Ballymena District Office area within the past 12 months. There are no records of any copper storage tanks having been stolen within the Ballymoney and Moyle Council areas in the last year. In relation to the prevention of theft of copper tanks, the Housing Executive has a service contract for securing derelict and vacant properties. This contract requires routine inspections to ensure the integrity of security works to such properties is maintained. The contract also allows for immediate call outs for the contractor where a breach of security is reported between routine inspections. Remote alarms are also fitted where appropriate. Unauthorised access will set off these alarms and again this will initiate an immediate call out.

The Housing Executive has also on a pilot basis installed microchips on a number of boilers for purposes of identification by the Police Service NI in an effort to reduce thefts.

Alley-Gating

Ms S Ramsey asked the Minister for Social Development, pursuant to AQW 3335/11, whether the Housing Executive or his Department has any plans to provide alleygating in the Glencolin area.

(AQW 4067/11)

Minister for Social Development: My Department does not have any plans to provide alley gating in the Glencolin area. The Housing Executive has also advised that its existing programme of improvement works does not include provision for erecting alley gates. As indicated in my response to AQW 3335/11, funding may be awarded for alley gating where this is identified as a priority in a Neighbourhood Renewal Action Plan and sufficient resources are available.

Community Groups in the Belvoir and Milltown Areas of South Belfast

Mr J Spratt asked the Minister for Social Development which community groups were consulted in the Belvoir and Milltown areas of South Belfast on the Shared Neighbourhood Programme.

(AQW 4080/11)

Minister for Social Development: The following groups were consulted at the initial stage of the Shared Neighbourhood Programme:

- Belvoir and Milltown Action Group
- Belvoir Community Association
- Belvoir Friday Tea Dance Group
- Belvoir Players
- Belvoir Women's Group
- Tuesday Women's Group
- Thursday Night Club
- Lagan Valley Group
- Association of Belvoir Churches
- Belvoir Activity Centre
- The Scout Association
- Belvoir Primary School
- Newtownbreda High School
- Senior Citizen Group
- Bowling Club
- Castlereagh District Policing Partnership
- Good Relations Castlereagh District Council
- Castlereagh Community Safety Partnership
- Castlereagh District Council
- United Churches

Capital and Resource Investment in the West Belfast Constituency

Mrs D Kelly asked the Minister for Social Development how much his Department spent on (i) capital investment; and (ii) resource investment in the West Belfast constituency, in each of the last two years.

(AQW 4135/11)

Minister for Social Development: The table below provides a breakdown of (i) the amount of capital investment and (ii) the resource investment in the West Belfast constituency in each of the last two years:

Capital Investment	2008-09 £m	2009-10 £m
Social Security Agency (Jobs & Benefits Office Project)	1.75	5.02
Urban Regeneration & Community Development Group	8.04	6.45
Voluntary & Community Unit	.01	.09
Totals	9.80	11.56

Capital Investment	2008-09 £m	2009-10 £m
Resource Investment		
Urban Regeneration & Community Development Group	2.72	3.52
Voluntary & Community Unit	1.37	1.02
Totals	4.09	4.54

In addition to the above, the Social Security Agency has three offices within the West Belfast constituency, Falls Road Jobs & Benefits Office, Andersonstown Jobs & Benefits Office and Belfast West and Lisburn District Support Unit. Based on the running costs of these offices resource investment was £3.74m in 2008/09 and £4.47m in 2009/2010.

Guidance for People on Income Support

Mr R McCartney asked the Minister for Social Development whether his Department has produced revised guidance for people on income support who had previously received legal aid; and if so, for his assessment of the impact of this guidance.

(AQW 4152/11)

Minister for Social Development: The Department's Legal Aid Assessment Office has not produced revised guidance for people on income support who had previously received legal aid. The current legislation that Legal Aid Assessment Office use for guidance is The Legal Aid (Assessment of Resources) Regulations (Northern Ireland) Order of 1981. Legal Aid Assessment Office prepare guidance following a change in legislation notified by the Northern Ireland Courts and Tribunal Service. Legal Services Commission have confirmed to Legal Aid Assessment Office that there are no changes to the Civil Legal Aid Regulations that would affect applicants in receipt of income support.

Homelessness As a Result of Severe Weather

Mr S Anderson asked the Minister for Social Development how many Housing Executive tenants have presented themselves as homeless since 1 December 2010 after having to vacate their homes as a result of the severe winter weather.

(AQW 4168/11)

Minister for Social Development: During the period 17 December 2010 to 9 January 2011 (the period considered worst affected by the adverse weather conditions) 162 Housing Executive tenants were made temporarily homeless because their homes were unreasonable to live in as a result of no heating or burst pipes and water damage.

Neighbourhood Renewal Scheme

Mr D McNarry asked the Minister for Social Development which neighbourhoods in the Strangford constituency have benefited from the Neighbourhood Renewal Scheme in each of the last four years; and how much money has been allocated to each project in each year.

(AQW 4184/11)

Minister for Social Development: The Housing Executive delivers neighbourhood renewal funding through the Department for Social Development's Small Pockets of Deprivation programme to three estates (Glen, Bowtown and Westwinds) within the Strangford constituency. This programme started in 2006/07 and is still running this year. Details of the funding allocated to each area in the last four years are shown in the table below.

Small Pockets of Deprivation programme expenditure within Strangford constituency 2007/08 to 2010/11

Financial Year	SPOD Area	Project Description	Amount
2007/08	Glen	Community Development Worker salary	£4000.00
		Community Association/House running costs	£1697.00
		Art Project	£2727.00
		Works to Community House	£5674.00
		Glen Youth Club play equipment	£1444.00
		Administrative Post Salary	£2447.00
	Bowtown	CTA fees re Multi Use Games Area (MUGA)	£2684.88
		Multi Use Games Area	£21454.58
		Community Garden	£39100.48
	Westwinds	Community Development Worker Salary & Costs	£30000.00
		Community House Refurbishment	£5,049.58
Total SPOD funding in Strangford Constituency for 2007/08			£116,278.52
2008/09	Glen	Administrative Post Salary	£4668.00
		Entrance Feature	£12537.00
		Community Association/House running costs & equipment	£5670.00
		Wall sign / road map	£4994.00
	Bowtown	Multi Use Games Area	£92361.61
		Mural Project	£15000.00
		Community Garden	£14472.50
	Westwinds	Community House Refurbishment	£53548.38
		Roads Service – road/pathway improvements	£85000.00
		Community Development Worker Salary	£21000.00
Total SPOD funding in Strangford Constituency for 2008/09			£309251.49

Financial Year	SPOD Area	Project Description	Amount
2009/10	Glen	Administrative Post Salary	£8762.00
		Advert for post	£150.00
		Community Association/House running costs	£5670.00
		Information Day / Youth Club	£763.00
		Men’s Health Course	£1765.00
		Women’s Health Course	£2014.00
	Bowtown	Entrance feature	£5000.00
		Community Association running costs	£5490.00
	Westwinds	Community Office running costs	£5770.00
		Drop In Centre	£2750.00
		Youth Club	£1450.00
		Environmental works and equipment	£3250.00
		Little Doves Centre	£21664.79
Total SPOD funding in Strangford Constituency for 2009/10			£64498.79
2010/11	Glen	Administrative Post salary & running costs	£8762.00
		Community Association/House running costs	£5670.00
		Men’s Club	£1021.00
		Women’s Health Club	£1560.00
		Open Day	£500.00
		Minor Projects	£1980.00
	Bowtown	Community Association running costs	£5790.00
		Minor environmental improvements	£4900.00
	Westwinds	Community Association/Youth Club running costs	£6170.00
		Equipment & Material for various training/ classes	£6200.00
Total SPOD funding in Strangford Constituency for 2010/11			£42553.00

Housing Improvements and Maintenance

Mr D McNarry asked the Minister for Social Development how much has been spent on housing improvements and housing maintenance in publicly owned housing in the Strangford constituency in the last four years.

(AQW 4185/11)

Minister for Social Development: The information is not available in the format requested as the Housing Executive does not routinely collate information by parliamentary constituency. The tables

below detail the spend on housing improvements and maintenance in Housing Executive owned properties in its Downpatrick, Newtownards and Castlereagh District Office areas for the last four years:-

District Office	2006/07	2007/08	2008/09	2009/10
Downpatrick	£1,377,000	£968,000	£263,000	£1,156,000
Newtownards	£4,196,000	£3,426,000	£2,461,000	£2,112,000
Castlereagh	£8,109,000	£1,922,000	£1,504,000	£965,000

House Purchases and Rentals

Mr D McNarry asked the Minister for Social Development to detail (i) the levels of deposit that banks and mortgage lenders are currently demanding; (ii) the levels of applications for co-ownership over the last four years; and (iii) the rise in the number of private rentals in the last four years.

(AQW 4188/11)

Minister for Social Development: The answers to each part of the question are set out in the paragraph below:

- (i) My Department does not hold detailed information on the wide range of mortgage products offered by banks and mortgage lenders. However, I have continued to meet with representatives of the Council of Mortgage Lenders to press them for expansion in the products available for first time buyers and with the forbearance measures they adopt for those experiencing difficulty.
- (ii) Northern Ireland Co-Ownership Housing Association has received the following volume of applications in each of the last four financial years:

2009/10	1375
2008/09	381 (Co-Ownership Scheme was suspended from March to October 2008)
2007/08	1923
2006/07	532

- (iii) According to the 2009 Northern Ireland House Condition Survey there were 124,000 private rented properties while in 2006 there were 80,800 private rented sector properties. This is an increase of over fifty percent.

Payment by Prisoners of Mortgage or Rent

Mr T Burns asked the Minister for Social Development what help is available for people in prison with paying their mortgage or rent.

(AQW 4191/11)

Minister for Social Development: The Social Security Agency has advised that a prisoner is not entitled to any help towards their mortgage interest. However, a person detained in custody on remand pending trial or, detained pending sentence upon conviction, may be entitled to help with their mortgage interest on eligible loans if claiming the means tested benefits, Income Support, income related Employment and Support Allowance or State Pension Credit (Guarantee Credit) but only if the period of the absence from their home is unlikely to exceed a period of 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

The Housing Executive has advised that assistance with the payment of rent through Housing Benefit for remand and convicted prisoners is governed by Regulation 7 of the Housing Benefit regulations which cover periods of absence from the home. For a remand prisoner who had been receiving Housing Benefit in respect of their home, the payment of Housing Benefit can continue for up to 52 weeks while on remand. If the period of remand exceeds 52 weeks Housing Benefit will end after 52 weeks has elapsed.

For a convicted prisoner, payment of Housing Benefit can continue where the period of absence from the home is not expected to exceed 13 weeks. If the period of absences is likely to exceed 13 weeks, Housing Benefit is ended from the date of conviction. This means that prisoners sentenced to more than six months in prison will have any Housing Benefit award terminated from the date of the conviction. Where the conviction follows on immediately from a period of remand, the absence from the home while in remand is counted into the calculation of the expected total period of absence from the home. If the total period, on remand plus any further period in prison as a convicted prisoner, exceeds or is likely to exceed 13 weeks, the Housing Benefit award will end on the date of conviction. In such cases sentences of less than six months may result in the immediate termination of a Housing Benefit award.

In both the cases of prisoners on remand and convicted prisoners, the Housing Benefit claimant must express an intention to return to their original home after the period of absence.

Where a member of the claimant's household remains in the home after the claimant goes into prison, it is permissible under the Housing Benefit regulations to treat that person as liable for making rent payments and accept a claim for Housing Benefit from him/her. Therefore the ending of the claimant's Housing Benefit award does not necessarily result in the ending of all assistance with rent payments for the property.

Assistance for Prisoners

Mr T Burns asked the Minister for Social Development how much money has been paid to people (i) in jail; (ii) on remand; or (iii) in any other form of incarceration, to assist with (a) mortgage payments; (b) rent; and (c) rates in each of the last five years, broken down by type of offence committed by the individual.

(AQW 4192/11)

Minister for Social Development: The information is not available in the format requested. The Social Security Agency has advised that the information requested in relation to mortgage payments is not routinely recorded. The Housing Executive does not collate information regarding an applicant's status as a prisoner through the Housing Benefit system. Any continued entitlement to Housing Benefit is based on the original assessment, prior to incarceration and is governed by Regulation 7 of the Housing Benefit regulations which cover periods of absence from home.

Land & Property Services in the Department of Finance & Personnel administers the rating system in Northern Ireland. I have been informed by LPS officials that there are two ways in which ratepayers in jail or on remand may gain assistance or relief from the payment of rates

If they are eligible for Housing Benefit or Rate Relief. LPS' records show that no detained ratepayers are currently receiving Housing Benefit or Rate Relief. One detained ratepayer was previously receiving Housing Benefit this year but the claim was cancelled on 11 January. This claimant received £374 in the current year. LPS does not record the reasons why ratepayers are detained.

If they fall within the terms of short-term discretionary relief when their property is left unoccupied but furnished. Such relief is applied by LPS in a number of circumstances, including a ratepayer being taken into custody. It is designed to allow the ratepayer a period of time to put their affairs in order. Other circumstances include where a ratepayer enters long-term care or hospitalisation. LPS' records show that there are 58 active discretions at present, but the records do not allow the reason for each discretion to be extracted from the rating IT system.

Given that the information in the rating IT system does not allow the extraction of the necessary information, LPS is unable to provide further information.

Newbuild Schemes in the Antrim Street Area of Lisburn

Mr P Givan asked the Minister for Social Development to detail the new build schemes in the Antrim Street area of Lisburn in each year since 2005, including the level of investment in each scheme.

(AQW 4194/11)

Minister for Social Development: The tables below detail the social housing schemes started in each of the previous five years in the Housing Executive's Lisburn Antrim Street District area and the total Housing Association Grant payable in each scheme. Where schemes have been funded by Associations' Disposal Proceeds Fund (DPF)* this is also indicated.

2005/06

Association	Scheme	Units	HAG
Apex Housing	Tonagh Avenue	26	£2,153,553
Corinthian	98/100 Queensway, Dunmurry	8	£779,967
Fold	2 Cloverhill Avenue	4	£286,480
Helm Housing	Old Warren Phase 3	12	£1,085,541
Helm Housing	80 Areema Drive, Dunmurry	1	£79,826
Ulidia	Ballymacoss Central Phase 4	51	£5,001,487
Total		102	£9,386,854

2006/07

Association	Scheme	Units	HAG
Fold	Knockmore Phase 6	20	£1,410,310
Helm Housing	67 Rowan Drive, Dunmurry	1	£157,379
Oaklee	132 Areema Drive, Dunmurry	1	£160,000 (DPF)
Triangle	Ballymacoss Central Phase 3	12	£1,489,828
Trinity	Moir Rd, Ballinderry Rd, Phase 2	8	£1,180,689
Triangle	7 Highfield Grove	4	£306,579
Total		46	£4,704,785

2007/08

Association	Scheme	Units	HAG
Clanmil	Causeway Meadows	22	£3,375,046
Helm Housing	49 Ivan Street	1	£162,660
Helm Housing	Bellevue Manor	19	£2,591,947
Helm Housing	Cromwell Close	10	£1,217,755
Ulidia	Ballymacoss Central Phase 5	75	£9,140,695
Total		127	£16,488,103

2008/09

Association	Scheme	Units	HAG
Clanmil	Seymour Street	48	£6,249,518
Connswater	Trinity Terrace	15	£1,664,848
Helm Housing	16 Inniscarn Close	1	£207,114
Helm Housing	94 & 97 Hornbeam Road	2	£385,268 (DPF)
Oaklee	Pond Park	112	£837,427
Total		178	£9,344,175

2009/10

Association	Scheme	Units	HAG
Clanmil	Woodbrook Phase 1	7	£700,608
Clanmil	Woodbrook Phase 1	10	£732,568
Helm Housing	Crossan Court	6	£590,990 (DPF)
Trinity	21 Ashley Park	8	£786,228
Total		31	£2,810,394

2010/11 (POSITION AT 31 JANUARY 2011)

Association	Scheme	Units	HAG
Oaklee	94-96 Woodland Park	15	£1,043,370
Total		15	£1,043,370

*DPF – Disposable Proceeds Fund is where a Housing Association has sold some of its stock, the proceeds must be re-invested in social housing.

Supporting People Programme

Mr A Easton asked the Minister for Social Development whether he intends to continue funding the Supporting People programme for the next financial year.

(AQW 4202/11)

Minister for Social Development: The Supporting People Programme is one of my priorities and will be protected from spending cuts for the next CSR period. I have submitted draft budget proposals that will see funding continuing at its existing level for the next four years

Supporting People Programme

Mr P Weir asked the Minister for Social Development for an estimate of the (i) costs; and (ii) savings accrued by the Supporting People Programme since it was introduced.

(AQW 4203/11)

Minister for Social Development: My Department has invested approximately £452m in Supporting People services since its introduction in 2003 and it is my intention to protect this budget for the next four years. The Department for Communities and Local Government carried out a cost benefit analysis of the Supporting People Programme in 2009 which concluded that the costs of supporting an

individual through the Supporting People Programme are much lower than the overall costs of switching to a more intensive form of support, such as hospitalisation, and the individual's quality of life is greatly enhanced.

Benefit Appeal Tribunals

Lord Morrow asked the Minister for Social Development whether a benefit appellant and/or advocate has the right to refuse to have an appeal heard by a specific tribunal panel member or members.

(AQW 4231/11)

Minister for Social Development: An appellant does not have the right to refuse to have an appeal heard by a specific tribunal member. He/She may apply to have a member of the tribunal stand down. Where this happens the tribunal will consider the request in accordance with the rules of natural justice and the appellant's right to a fair trial hearing.

Cold Weather Payments

Mr P Weir asked the Minister for Social Development how much has been paid in the current financial year in Cold Weather Payments to people in the (i) BT18; (ii) BT19; (iii) BT20; (iv) BT21; and (v) BT22 postcode areas.

(AQW 4244/11)

Minister for Social Development: When a Cold Weather Payment period is triggered, all qualifying customers are automatically issued with a payment if they live within one of the post code areas covered by the relevant weather station. There are seven meteorological stations within Northern Ireland and each of these cover a pre assigned range of post code areas. Whilst it is not possible to provide the information on Cold Weather Payments paid to individual post code areas, I am able to confirm that BT post code areas 18 to 22 are covered by the Stormont weather station. The total estimated amount paid in Cold Weather Payments in the current financial year to customers living within the post code areas covered by the Stormont weather station (BT 1-23 and 36-38) is £ 3.28 million.

Neighbourhood Renewal Scheme

Mr P Weir asked the Minister for Social Development which neighbourhoods in the North Down constituency have benefited from the Neighbourhood Renewal Scheme in each of the last four years; and how much money has been allocated to each project.

(AQW 4245/11)

Minister for Social Development: The information is as follows:

NEIGHBOURHOOD RENEWAL - KILCOOLEY PROJECTS 2007 - 2011

Applicant	Project	2007/2008	2008/2009	2009/2010	2010/2011	Total Spend
KILCOOLEY COMMUNITY FORUM	Salaries and running costs for Kilcooley Community Forum	£43,293.00	£43,581.22	£44,876.64	£49,185.07	£180,935.93
FIRST FRIENDS GROUP	Running costs for Social Economy Play Group	£17,003.00	£8,122.00	£679.00	£0	£25,804.00
NIHE	Refurbishment of Kilcooley Learning and Resource Centre	£47,184.87	£1,202.49	£0	£0	£48,387.36
NI ALTERNATIVES	Salaries for North Down Alternatives CRJ project	£0	£27,994.85	£38,311.24	£39,322.12	£105,628.21
SE HEALTH & SOCIAL CARE TRUST	Kilcooley Better Health, Better Life Project	£0	£12,267.05	£68,802.31	£20,054.61	£101,123.97
KILCOOLEY WOMEN@S EDUCATION & DEVELOPMENT GROUP	Salaries and running costs for Women's Education project	£0	£25,153.00	£44,777.00	£45,369.00	£115,299.00
NIHE	Garden of Reflection	£0	£0	£74,657.00	£0	£74,657.00
KILCOOLEY COMMUNITY FORUM	Upgrade of Forum Computers	£0	£2,971.60	£0	£0	£2,971.60
SE EDUCATION & LIBRARY BOARD	Primary School Nurturing Project	£0	£0	£80,089.53	£65,089.54	£145,179.07
NORTH DOWN BOROUGH COUNCIL	Neighbourhood Partnership Technical Assistance	£24,459.69	£41,560.91	£22,496.03	£22,046.07	£110,562.70
NORTH DOWN BOROUGH COUNCIL	Proposed Kilcooley Enterprise Centre - feasibility study	£0	£0	£0	£4,000.00	£4,000.00
DRD	Upgrade of steps and footpaths within the Kilcooley Estate	£290,000	£0	£0	£0	£290,000.00
Total		£421,940.56	£162,853.12	£374,688.75	£245,066.41	£1,204,548.84

SMALL POCKETS OF DEPRIVATION AND LOCAL COMMUNITY FUND PROJECTS 2007 - 2011

Applicant	Project	2007/2008	2008/2009	2009/2010	2010/2011	Total Spend
RATHGILL COMMUNITY GROUP	Rathgill Community Group Project	£74,482.92	£56,344.00	£73,646.96	£78,248.00	£282,721.88
BANGOR YMCA	Harbour YMCA Project	£101,173.82	£47,412.00	£63,452.58	£48,010.00	£260,048.40
Total		£175,656.74	£103,756.00	£137,099.54	£126,258.00	£542,770.28

Consultation Documents

Mr P J Bradley asked the Minister for Social Development to list the number and titles of all the consultation documents issued by his Department since May 2007.

(AQW 4249/11)

Minister for Social Development: My Department has issued 97 documents for consultation since May 2007. The attached table details the titles of these documents.

Title of Consultation Documents

1. 21st Century Welfare
2. Access and Mobility Study for Belfast City Centre
3. Andersonstown Gateway Masterplan & EQIA
4. Antrim Town Centre Development Brief
5. Antrim Town Centre Masterplan and Delivery Strategy
6. Armagh Development Brief
7. Armagh Masterplan public consultation
8. Ballyclare Town Centre Masterplan
9. Ballymena Town Centre Masterplan - Draft
10. Bangor Town Centre Draft Masterplan
11. Bank Square Regeneration Project
12. Belfast City Centre Northside Urban Village Draft Regeneration Framework - EQIA
13. Belfast City Centre Northside Urban Village Draft Regeneration Framework
14. Belfast City Centre Westside Regeneration District Draft Masterplan
15. Building Sound Foundations - A Strategy for the Private Rented Sector
16. Business improvement Districts and licensing of pavement cafes.
17. Carrickfergus (Revised) Draft Masterplan
18. Child Maintenance Bill EQIA
19. Child Maintenance Green Paper "Strengthening Families, promoting Parental responsibility: the future of Child Maintenance
20. Clondermot Outline Business Case
21. Coleraine Masterplan
22. Concordat Consultation.
23. Consultation document on the number and location of Area Advice Centres
24. Cookstown Masterplan
25. Craigavon Framework Public Consultation
26. Delivering a Better Service for Customers
27. Derry City Centre Public Realm
28. Disability Action Plan 2010
29. Disability Living Allowance Form
30. Discussion paper on gambling review
31. Discussion paper on Sunday Trading
32. Downpatrick Town Centre Draft Masterplan
33. Draft Budget 2010
34. Draft Equality Impact Assessment – Crumlin Road Gaol and Girdwood Park Draft Masterplan
35. Draft Equality Impact Assessment Consultation on Closure of Cookstown Medical Examination centre

36. Draft Masterplan for Crumlin Road Gaol and Girdwood Barracks
 37. Draft Regeneration and Housing Bill
 38. Dungannon Masterplan Public Consultation
 39. Enniskillen Masterplan
 40. Equality Impact Assessment – Social Security (Equalisation of State Pension Age) Regulations (Northern Ireland) 2009
 41. Equality Impact Assessment in relation to the Mesothelioma Bill
 42. Equality Impact Assessment on the Draft Physical Regeneration concept Masterplans for 5 areas of Belfast
 43. Equality Impact Assessment on the Implementation Arrangements for the Strategic Business Review
 44. Equality Impact Assessment on the Welfare Reform Bill 2009
 45. Equality Impact Assessment: Pensions Bill
 46. Flexible Retirement and Pension Provision
 47. Flexible Retirement and Pension Provision - Next Steps
 48. Glen Road Development Framework & EQIA
 49. Glengormley Town Centre Masterplan
 50. Green Paper - No one written off: reforming welfare to reward responsibility
 51. Guidance on the Provision of Local Generalist Voluntary Sector Advice'
 52. Housing Bill (Northern Ireland)
 53. Housing Sales Scheme
 54. Introduction of powers to prohibit or restrict irresponsible alcohol promotions
 55. Join In, Get Involved: Build a Better Future - A Consultation Paper on a Volunteering Strategy for Northern Ireland
 56. Larne Town Centre Draft Masterplan
 57. Launch of Public Consultation for the Regeneration Curran Street / Obins Street Site, Portadown
 58. Limavady Masterplan
 59. Lisburn Development Briefs
 60. Magherafelt Masterplan
 61. Marine Gardens
 62. National Insurance Credit Changes
 63. Newry Masterplan
 64. Newtownards Masterplan
 65. Omagh Masterplan Public Consultation
 66. Pensions - Consultation on Draft Guidance
The use of Default Options in Workplace Personal Pensions and the use of Group Self Invested Personal Pensions for Automatic Enrolment
 67. Pensions Bill EQIA
 68. Pensions Consultation on Draft Regulations - Workplace Pension Reform: Completing the Picture
 69. Procurement Guide
 70. Proposal to stop the annual internet publication Individual Incomes Series Northern Ireland
 71. Proposal to stop the annual internet publication Pensioners Income Series Northern Ireland
 72. Proposal to stop the annual internet publication the Income Related Benefits Estimates of Take-up Series Northern Ireland
 73. Proposed Development sites in Coleraine
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74. Proposed Mortgage Rescue Scheme for Northern Ireland - Consultation
75. Public Art Work vote on Arthur Square
76. Public Benefit Consultation (CCNI)
77. Public Consultation for Craigavon Integrated Development Framework
78. Public Consultation for Lisburn Design Compendium
79. Public Consultation of the Draft Masterplan for Carrickfergus
80. Public Consultation of the Draft Physical Regeneration Concept Masterplans for 5 areas of Belfast
81. Public Consultation on the Lisburn Masterplan
82. Reforming the Medical Statement
83. Regional Infrastructure Programme Review
84. Shaping the Future of Care Together
85. Social Fund reform: debt, credit and low-income households
86. Strabane Town Centre Masterplan
87. Supporting owner occupiers in redevelopment areas
88. Supporting People Guidance
89. Supporting people into work: the next stage of Housing Benefit reform
90. The interaction of the deferral of State Pension with certain income-related benefits
91. The powers of the Pensions Regulator
92. The Social Fund: a new approach
93. Universal Credit: Welfare that Works
94. Warm Homes - Consultation
95. Warmer Healthier Homes
96. West side EQIA report
97. When should the state pension age should increase to 66? - A Call for Evidence

Cost of Processing a Benefits Cheque

Mr P Givan asked the Minister for Social Development to outline the cost of processing a benefits cheque in Northern Ireland compared to the cost in the rest of the UK.

(AQW 4267/11)

Minister for Social Development: The average cost of a benefit cheque processed by the Social Security Agency is £1.63. This figure is for the 2009/2010 year which is the latest information available and includes all of the costs attributable to the production, issue and reconciliation of a cheque. The average cost of a cheque processed by the Department for Work and Pensions according to their latest information is £1.50.

Cost to Process an Electronic Payment of a Benefit

Mr P Givan asked the Minister for Social Development how much it costs to process an electronic payment of a benefit into a recipient's bank account.

(AQW 4269/11)

Minister for Social Development: The Social Security Agency pays 97% of customers by Direct Credit to an account of their choice. The average cost of processing an electronic payment into a customer's bank account or building society account is estimated at £0.01 per transaction. The average cost of processing an electronic payment into a customer's Post Office ® card account is circa £0.50 per transaction.

Fuel Poverty

Mr S Hamilton asked the Minister for Social Development what targets his Department has for the reduction of fuel poverty over the next five years.

(AQW 4293/11)

Minister for Social Development: My Department has a Public Service Agreement Target to alleviate fuel poverty in approximately 9,000 households each year through implementing energy efficiency measures. I expect that target to be met. I shall shortly publish a new fuel poverty strategy which shall develop strategies on energy efficiency and new initiatives on energy brokering in a renewed campaign on this growing issue.

Maintenance and Refurbishment Schemes

Mr S Hamilton asked the Minister for Social Development to outline the (i) cyclical maintenance schemes; and (ii) multi-element improvement/refurbishment scheme works which have been carried out on Housing Executive properties in the (a) West Winds; (b) Scrabo; (c) Glen; (d) Movilla; and (e) Bowtown estates in Newtownards, in this financial year; and the amount of investment involved.

(AQW 4294/11)

Minister for Social Development: The Housing Executive has advised that no schemes have been carried out in the areas in question. However, a kitchen replacement scheme is due to go on site in Scrabo Estate next month at an estimated cost of £825,000.

Housing Maintenance Schemes

Mr S Hamilton asked the Minister for Social Development to outline the (i) cyclical maintenance schemes; and (ii) multi-element improvement/refurbishment scheme works which have been carried out on Housing Executive properties in (a) Killyleagh; (b) Ballynahinch; and (c) Saintfield in this financial year; and the amount of investment involved.

(AQW 4295/11)

Minister for Social Development: The Housing Executive has advised that there were two kitchen replacement schemes carried out this financial year - 38 kitchen replacements in Killyleagh at an estimated cost of £160,000; and 60 kitchen replacements in Ballynahinch at an estimated cost of £252,000. There are no schemes planned for Saintfield this year.

Housing Waiting List

Mr P Frew asked the Minister for Social Development whether the fact that a family was preparing to foster a child would have an impact on their place on a housing waiting list; and if so, to outline the likely impact.

(AQW 4310/11)

Minister for Social Development: The Housing Executive have advised that in considering a housing applicant's needs pursuant to the rules of the Housing Selection Scheme, due regard is paid not just to the applicant's personal needs, but also to the needs of all other persons who might reasonably be expected to reside with the applicant. The Housing Selection Scheme makes provision for consideration of a number of what are determined to be primary social needs factors. Consequently, under paragraph 6 of Rule 43 of the Housing Selection Scheme, the housing needs assessment of an applicant preparing to foster a child will be considered. Rule 43 Primary Social Needs points will be awarded in certain circumstances (number 6 states) "Where Social Services recommend that the applicant or a member of the applicant's household, move to larger or more suitable accommodation to enable him/her to become or continue to be a foster parent." If the applicant meets these specified criteria, this will lead to the award of an additional 20 points.

Potential Retail Developments in Coleraine

Mr G Campbell asked the Minister for Social Development for his assessment of the potential retail developments contained in the proposals he discussed with local people during his recent visit to Coleraine.

(AQW 4323/11)

Minister for Social Development: During my visit to Coleraine town centre on 5 January 2011 I viewed the proposals for the Lanes and Ramparts development schemes and also had detailed discussions with both developers. I was impressed with the plans for both developments and can see the economic benefits that each scheme could deliver. My Department is currently considering these wider economic benefits in the Lanes scheme through an appraisal. This will identify any potential shortfall of funding required to commence the scheme. The Ramparts scheme is currently subject to some refinement requiring a partial change in its design and use.

As I said on the day I want to encourage investment in our towns and cities as there is a good argument that pound for pound, government investment in urban regeneration is as effective an economic tool as other job interventions.

Despite the difficult economic climate my Department is continuing to work with both Developers to ensure that these schemes will commence as soon as it is economically possible.

Social Security Claimants in the Moyle Council Area

Mr D McKay asked the Minister for Social Development to detail the number of (i) Social Security claimants in the Moyle Council area; (ii) people from that area who travel outside the Moyle area to claim their benefit; and (iii) Social Security Agency sub-offices located in rural hinterlands.

(AQW 4387/11)

Minister for Social Development: The total number of Social Security claimants in the Moyle council area is 6,054.

Information on the number of people who travel outside the Moyle area to claim their benefit is not available. Depending on the benefit(s) concerned customers can choose to make their claim by telephone, by post or in person. The exception is those claiming Jobseekers Allowance who are required to attend a Social Security Office or Jobs & Benefits Office in person to complete their claim. Those customers can then choose to sign on at the office of their choice or depending on their circumstances elect to become a postal signer.

The Social Security Agency has three Community Benefit Offices located at Ballyclare, Crossmaglen and Northside, Londonderry.

Social Housing: Newcastle

Mr W Clarke asked the Minister for Social Development whether the manager of the Downpatrick Housing Executive Office was consulted on the proposed 130 unit social housing new build scheme for Newcastle.

(AQW 4395/11)

Minister for Social Development: The Housing Executive has advised that the Downpatrick District Manager is consulted on the annual Housing Needs Assessment for every estate in his district. The Housing Executive's Area Planner confirmed a proposed mix for the potential development to Apex Housing Association in October 2010 and this was also forwarded to the Downpatrick District Manager.

Flats in Kilcooley

Mr A Easton asked the Minister for Social Development for an update on the plans to refurbish the flats at (i) Innishargie Gardens; (ii) Kilclef Gardens; and (iii) Ballynoe Gardens in Kilcooley.

(AQW 4412/11)

Minister for Social Development: The Housing Executive has advised that the Innishargie flats, blocks 15, 20 and 22, and the flats at Ballynoe Gardens have been included in a window replacement scheme which is due on site in 2011/12. This will be subject to funding being available. A planned multi element improvement scheme for the Kilclief Gardens flats, blocks 1, 2, 3 and 4, has been postponed due to the lack of resources available for these schemes. The Housing Executive will however continue to provide a full repair service to all households until an alternative method of delivering the postponed improvements can be identified.

Flats at Rathgill Park in Bangor

Mr A Easton asked the Minister for Social Development for an update on the plans to revamp the flats at Rathgill Park in the Rathgill Estate, Bangor.

(AQW 4415/11)

Minister for Social Development: A programmed multi element improvement scheme in 2012/13 for 16 flats at Rathgill Park may be postponed due to the lack of resources available for these schemes. The Housing Executive will however continue to provide a full repair service to all households until an alternative method of delivering postponed improvements can be identified.

Housing Executive Properties in Donaghadee and Millisle

Mr P Weir asked the Minister for Social Development to outline the (i) cyclical maintenance schemes; and (ii) multi-element improvement/refurbishment scheme works which have been carried out on Housing Executive properties in (a) Donaghadee; and (b) Millisle in this financial year; and the amount of investment involved.

(AQW 4416/11)

Minister for Social Development: The Housing Executive has advised that there were two heating replacement schemes carried out this financial year - 31 dwellings in Donaghadee at an estimated cost of £177,000; and 9 dwellings in Millisle at an estimated cost of £51,000.

Homelessness

Mr P Weir asked the Minister for Social Development to detail the current level of homelessness; and how this compares to 2007.

(AQW 4419/11)

Minister for Social Development: At the 31 January 2011 the level of homelessness was 16,074 of which 8,254 were accepted as statutorily homeless and awarded Full Duty Applicant status. In 2007/08 the number presenting as homeless was 19,030 of which 9,234 were accepted as statutorily homeless and awarded Full Duty Applicant status.

Northern Ireland Assembly

Friday 25 February 2011

Written Answers to Questions

Office of the First Minister and deputy First Minister

Maze/Long Kesh Site

Mrs D Kelly asked the First Minister and deputy First Minister to detail the current level of expenditure on the Maze/Long Kesh site, such as the cost of removing the contamination, security and development proposals.

(AQW 4051/11)

First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness): The Maze/Long Kesh current level of expenditure to 31 December 2010 is set out below. The largest element of spend has been on remediation.

Expenditure at Maze/Long Kesh 5 April 2010 to 31 December 2010

Description	Detail	2010/11 £m
Site management	Security guard provision General maintenance Utilities – water, electricity etc.	0.14
Demolition and remediation	Major remediation and decontamination programme to ensure that contaminants such as lead shot; aviation, diesel and petrol fuel spills; hydrocarbons and asbestos are removed from the site in strict accordance with health and safety requirements and Environment Agency guidance – this is ongoing work. This figure includes necessary preparatory work, consultation and surveys.	2.00
Programme development	This includes the costs of the MLK Programme Development Unit in directing the development of the site and its management; includes site feasibility, site condition and related studies and surveys; also includes programme management.	0.31
Department of Finance and Personnel – Central Procurement Directorate charges	Professional fees for procurement and legal advice on procurement issues; supervision of works and general advice on construction; project management.	0.15
Business cases	Preparation of the major business cases (ie economic appraisals) for the development of the site.	0.05

Description	Detail	2010/11 £m
Infrastructure design and development work *	Professional advice and detailed design work on site and access infrastructure.	0.43
Total		£3.08m

* involves skills that are not available in-house in the NICS

Electricity Costs

Mr J Spratt asked the First Minister and deputy First Minister how much their Department and its arms-length bodies have spent on electricity in each of the last three available financial years.

(AQW 4433/11)

First Minister and deputy First Minister: The Department of Finance and Personnel is responsible for payment of electricity costs for the majority of OFMDFM departmental premises. DFP will therefore include these costs in their response to the question.

OFMDFM separately pays for some electricity costs, largely incurred through various arms length bodies as follows:

	2007/2008	2008/2009	2009/2010
Cost of electricity	£123,096	£142,928	£163,744

FM/DFM: US Visits

Mr M Brady asked the First Minister and deputy First Minister to outline any future plans for visits to the USA.

(AQO 1084/11)

First Minister and deputy First Minister: We plan to visit Washington, DC from Tuesday 15 to Friday 18 March.

It is too early to confirm the exact details of our itinerary, as officials on both sides of the Atlantic are preparing a detailed programme of meetings. However, we can advise that we expect to undertake a number of engagements aimed at promoting the local economy.

We will also fulfil our Ministerial obligations by representing the Executive at private meetings with the Obama Administration. In addition to these important calls, we plan to meet members of Congress to secure their continued support for the work we are doing here to strengthen the local political institutions and to promote the economy.

On the economic front, we plan to host two events. The first, the Northern Ireland Bureau's Annual Business Breakfast on 17 March at the Ronald Reagan International Trade Center, will, this year, promote the growing Creative Industries Sector to a specially invited audience of politicians, policy makers and executives from that sector. This annual Business Breakfast is focused exclusively on Northern Ireland and it is the most prominent event in the Bureau's Annual Calendar.

In the second, we will address a specially invited audience of business executives at a Roundtable event in the US Chamber of Commerce Building which is being organised under the direction of the US Special Economic Envoy.

We will use both events to highlight the advantages of doing business here and to push the Northern Ireland Business Message.

St Patrick's Barracks Ballymena

Mr P Frew asked the First Minister and deputy First Minister for an update on the proposals for the former St. Patrick's barracks site in Ballymena.

(AQO 1085/11)

First Minister and deputy First Minister: The former St. Patrick's barracks site in Ballymena is one of four former military bases earmarked for transfer to the Executive under the Hillsborough Castle Agreement.

We are conscious that the Department for Social Development has plans to turn 47 former military dwellings at the St. Patrick's site into social housing, working in partnership with a housing association. We can assure the Assembly that we are making every effort to ensure that the Hillsborough Castle Agreement is implemented properly. That would allow this important housing project in Ballymena to proceed to the benefit of the local community.

Programme for Government

Mr P Ramsey asked the First Minister and deputy First Minister why the Executive has been unable to produce a draft Programme for Government.

(AQO 1086/11)

First Minister and deputy First Minister: All Ministers and their departments have been focused, over the past six months, on the development of a 4-year draft Budget which the Executive agreed on 14 December 2010. The consultation on the draft Budget ended on 16 February. The Executive hopes to agree a final budget by end of February or start of March.

Our officials have been working with departments on a draft Programme for Government during this period.

As Members will know, the Executive's priorities over the next 4 years are to stimulate the economy, tackle disadvantage, protect the most vulnerable in our society and protect front line services.

Whilst officials will continue to work on preparations for the next PfG, Ministers would not wish to pre-empt consideration of the issues by the next Executive and are therefore not planning to publish a new Programme for Government in this Assembly term.

Ministerial Subcommittee on Children and Young People

Mrs M Bradley asked the First Minister and deputy First Minister for an update on the work of the Ministerial Sub-Committee for Children and Young People.

(AQO 1087/11)

First Minister and deputy First Minister: Junior Minister Newton and Junior Minister Kelly continue to chair the Ministerial Sub-Committee on Children and Young People, which was established with the ultimate aim of improving the lives of our children and young people.

Having agreed six key priorities on which to focus, sub-groups were established to take forward work on these priorities.

Each of the sub-groups developed an action plan, five of which were agreed by the Executive on 25th March 2010. These plans identified key actions along with lead departments and target dates.

The Junior Ministers have recently requested an update on progress against the action plans from each of the lead departments and this will inform the future direction of this work.

The work in relation to the sixth priority of child poverty has, to date, focused on exploring options for the future delivery of childcare here.

It is our intention that a lead department for this policy area will be identified by the Executive, and that the childcare strategy will be developed in collaboration with the Ministerial Sub Committee and the child poverty sub-group.

Additionally, the child poverty sub-group has considered the definition of severe child poverty and this was agreed by the Executive on 16th December 2010. Further work is now being carried out to monitor progress on this using the Family Resources Survey.

We do not intend that the priorities of the Ministerial Sub-Committee will remain static, rather that a flexible approach is taken so it can continue to consider emerging issues.

Maze/Long Kesh Development Corporation

Mr R McCartney asked the First Minister and deputy First Minister for an update on the establishment of the Development Corporation for the Maze/Long Kesh site.

(AQO 1088/11)

First Minister and deputy First Minister: The appointment process to select the Chair and members of the Development Corporation will commence shortly. All appointments will be determined by a public appointment process.

The Development Corporation will appoint staff by secondment and public advertisement where necessary.

Our aim is that the Development Corporation will be operational by the end of the summer.

Programme for Government

Mr T Lunn asked the First Minister and deputy First Minister for an update on the development of the next Programme for Government.

(AQO 1090/11)

First Minister and deputy First Minister: All Ministers and their departments have been focused, over the past six months, on the development of a 4-year draft Budget which the Executive agreed on 14 December 2010. The consultation on the draft Budget ended on 16 February.

Our officials have been working with departments on a draft Programme for Government during this period.

As Members will know, the Executive's priorities over the next 4 years will be to stimulate the economy, tackle disadvantage, protect the most vulnerable in our society and protect front line services.

Whilst officials will continue to work on preparations for the next PfG, Ministers would not wish to pre-empt consideration of the issues by the next Executive and are therefore not planning to publish a new Programme for Government in this Assembly term.

We would however anticipate a new Executive will want to bring forward a draft Programme for Government for consultation quite quickly following elections in May.

Presbyterian Mutual Society

Mr G Robinson asked the First Minister and deputy First Minister what further progress has been made in resolving the Presbyterian Mutual Society issue.

(AQO 1091/11)

First Minister and deputy First Minister: We, alongside the DFP Minister and the DETI Minister, have been working tirelessly to finalise the proposed solution to the PMS situation, which was not of the Executive's making. Through the Ministerial Working Group we have managed to secure from the Government the resources necessary for the £175m loan and a £25m contribution to the Mutual Access Fund. The Executive's own Budget 2010 proposals include provision for the Executive's own contribution to the Mutual Access Fund. This is considerable achievement in a difficult financial context and we are doing everything in our power to ensure that payments can be made as soon as possible in 2011-12.

We understand that the DETI Minister is in discussions with the Presbyterian Church about the size of its contribution and it is our desire that PMS Members with less than £20,000 should receive most of their money back.

The remaining issues which need to be addressed to implement the proposed solution will be expedited and dealt with as quickly as possible. These include, in particular, making the necessary legislation for both schemes in the Assembly, the Administrator securing members' and creditors' agreement to the proposals as part of his formal Scheme of Arrangement, consideration of legal and contractual issues, and securing EU State Aid's approval to the Executive's proposed loan.

Any final solution will be subject to the agreement of the Executive, the Assembly, the EU, and PMS creditors and members.

DRD Water Review: Philip Holder

Mr S Gardiner asked the First Minister and deputy First Minister why they have not sought legal advice on whether there is a conflict of interest in Mr Philip Holder remaining in his position as a member of the review team investigating the Department for Regional Development's handling of the water crisis. **(AQO 1092/11)**

First Minister and deputy First Minister: It was not necessary to seek legal advice.

It is important that those charged with carrying out the Review are allowed to complete their work unhindered.

Department of Agriculture and Rural Development

Capital and Resource Investment in the West Belfast Constituency

Mrs D Kelly asked the Minister of Agriculture and Rural Development how much her Department spent on (i) capital investment; and (ii) resource investment in the West Belfast constituency, in each of the last two years.

(AQW 4131/11)

Minister of Agriculture and Rural Development (Ms M Gildernew):

	2008/09	2009/10
(i) Capital Investment	£110K	£474K
(ii) Resource Investment	£100K	£107K

Foresight Report

Mr G Campbell asked the Minister of Agriculture and Rural Development for her assessment of the publication of the Foresight Report; and its potential implications.

(AQW 4181/11)

Minister of Agriculture and Rural Development: The publication of the Foresight Report adds further analysis of the future challenges facing food production and the global food system between now and 2050. It sets out a compelling case for urgent action in the global food system to satisfy the demands of a growing world population at a time when critical resources such as water, energy and land are becoming increasingly scarce. The report highlights the need for food production to become more sustainable, whilst adapting to the effects of climate change and contributing to climate change mitigation, and calls for increased investment in research to provide the knowledge required to solve problems in the coming decades.

While globally relevant, it also underlines the challenge locally for our farming and food industry to make the most productive use of our natural resources. I am pleased this is consistent with the food strategies published last year for the agrifood industry in Ireland, north and south. Both the north's 'Focus on Food' and the south's 'Food Harvest 2020' focussed priority on enhancing levels of productivity and competitiveness while protecting the environment and using resources more sustainably.

Single Farm Payments

Mr G Campbell asked the Minister of Agriculture and Rural Development how many farmers in the East Londonderry constituency were awaiting their Single Farm Payments on 31 January 2011.

(AQW 4182/11)

Minister of Agriculture and Rural Development: My Department received 2,428 claims to Single Farm Payment in the 2010 scheme year from farmers in the East Derry parliamentary constituency. Of these, 281 have yet to be finalised. Not all of the remaining claims may be due a payment because of ineligibility or the application of penalties under scheme rules.

Parliamentary constituency data is not automatically held against each farm business record on the Grants and Subsidies System in which information relating to applications to the Single Farm Payment Scheme is held. The information provided is derived from the postcode held against each farm business when matched against data taken from the Electoral Office NI. If postcodes are missing, incomplete or inaccurate then this may cause some inaccuracy.

Research and Development

Mr C Lyttle asked the Minister of Agriculture and Rural Development how much her Department spent on research and development in each of the last five years.

(AQW 4282/11)

Minister of Agriculture and Rural Development: Expenditure on Research and Development (R&D) is outlined below:

Financial Year	Total amount
2005/06	£7,347,731
2006/07	£7,760,970
2007/08	£7,576,227
2008/09	£7,705,557
2009/10	£864,300*

* Information pertaining to Research Grant-in-Aid to Agri-Food and Biosciences Institute AFBI is not yet available and will be presented in the Annual Government R&D Survey compiled by the Office for National Statistics. The 2009/10 figures should be published around end of March 2011.

This Expenditure relates to R&D activities across a wide range of the Department's responsibilities including the Scientific Evidence and Innovation Strategy which provides the over-arching framework for DARD-funded research; Animal Health; Rivers; Fisheries and Forestry.

Forest Land: Harvested

Mr J Dallat asked the Minister of Agriculture and Rural Development to detail the total area of forest land that was harvested in the last three years.

(AQW 4367/11)

Minister of Agriculture and Rural Development: The total area of forest land that was harvested in the Department's forests by Forest Service over the last three financial years is 2686.5 hectares and for each year is as follows:

YEAR	AREA (hectares)
2007/08	890.5
2008/09	916
2009/10	880
Total	2686.5

This figure does not include private forestry harvesting as that information is not available to the Department.

Forestry Planting

Mr J Dallat asked the Minister of Agriculture and Rural Development to detail the total area of forestry planting that is scheduled to take place in the next three years.
(AQW 4369/11)

Minister of Agriculture and Rural Development: Forestry planting over the next three years will take place on both Forest Service and privately owned land.

Forest Service planting will take place on existing forest areas where the tree crop has been harvested and the area is due to be regenerated. Forest Service will achieve this through planting and, in selected areas, through natural regeneration.

AQW 4367/11 detailed Forest Service woodland harvested in the last three years. This amounted to 2686.5 ha over the three year period. All harvested areas will be regenerated according to forest design plans agreed and approved through forest planning processes.

On privately owned land, the majority of tree planting to create new woodland takes place on agricultural land, grant-aided through the Woodland Grant Scheme under the Rural Development Plan. DARD's consultation on the draft budget has just ended and I am currently considering more detailed allocation of resources to areas such as woodland creation, however, these are yet to be agreed.

However in future, I remain committed to the long term aim of the Forestry Strategy of doubling the area of woodland in the north of Ireland. Progress against this long term aim will depend on the willingness of landowners and farmers to create woodland and available budget cover.

Rural Tourism in North Down

Mr P Weir asked the Minister of Agriculture and Rural Development what her Department is doing to promote rural tourism in North Down.
(AQW 4417/11)

Minister of Agriculture and Rural Development: I believe rural tourism to be of vital importance to the sustainability of rural communities, which is why the Rural Development Programme 2007-13 (RDP) contains the Encouragement of Tourism Activities measure with a budget of £12 million. Additionally, farm families wishing to diversify into self-catering and activity-based tourism can apply under RDP Measure 3.1, Farm diversification.

DRAP (Newtownards, Down, North Down and Banbridge Councils) Joint Council Committee (JCC) oversees RDP funding decisions in your constituency area and is one of seven JCC's established to deliver funding under Axis 3 of the RDP. DRAP has been allocated £2.8 m of the £12m budget under the Encouragement of Tourism Activity Measure.

Axis 3 of the RDP is being delivered through the bottom-up Leader approach, which empowers local communities through Local Action Groups to promote local projects in line with priorities in their local development strategy. The JCC strategy has strategic priorities regarding Tourism and has plans to allocate their full budget by 31 March 2012 with all projects expected to be completed by June 2014.

In addition, Forest Service officials have been involved in discussions with the Tourist Board and other stakeholders regarding the possible contribution to be made from forests and how that can best be delivered. Forest Service has recently agreed with the Tourist Board to commission a study to assess the existing and potential tourism development opportunities available from forests in the north.

Rural Development Programme

Mr I McCrea asked the Minister of Agriculture and Rural Development whether sports clubs are entitled to apply for funding through the Rural Development Programme.

(AQW 4499/11)

Minister of Agriculture and Rural Development: Funding for sports clubs are the statutory responsibility of Department of Culture Arts and Leisure. Under the Rural Development Programme sports clubs can apply for funding where the project is operated as a separate undertaking from the restricted members club and a separate bank account or accounting system is employed for the purposes of separation, transparency and verification of targets. The service, facilities or products offered must be available to all potential customers in the wider rural community and no preferential use or rates should be afforded to club members.

New Entrants Scheme

Mr G Savage asked the Minister of Agriculture and Rural Development for an update on the New Entrants Scheme.

(AQW 4524/11)

Minister of Agriculture and Rural Development: The current New Entrants Scheme was suspended to new applications in July 2008 and permanently closed to applications at the end of February 2009 (although payments under it may continue until 2015/16). There are currently 262 applicants under the Scheme, including 22 individuals who have received their maximum benefits under the Scheme, leaving 240 active applicants. Since the Scheme opened until 15 February 2011, DARD has paid just over £1.5 million to approved applicants.

Pork Contamination in 2009

Mr P J Bradley asked the Minister of Agriculture and Rural Development whether she is aware of the source of the primary producer of the fuel oil which led to the pork contamination in 2009.

(AQW 4554/11)

Minister of Agriculture and Rural Development: My Department has no legal jurisdiction for matters relating to fuel oil and does not hold information on the source of the oil which led to the pork contamination incident in 2008. It is my understanding that the name of a company, which was allegedly involved, is in the public domain and this matter is currently the subject of legal proceedings.

Single Farm Payments

Mr P J Bradley asked the Minister of Agriculture and Rural Development what percentage of the funding available for Single Farm Payments in the current year remains unpaid to farmers.

(AQW 4556/11)

Minister of Agriculture and Rural Development: At 21 February 2011, claims worth a total of £245 million were finalised in respect of the 2010 Single Farm Payment Scheme. This is 90.7% of the total estimated value of the budget for the scheme year leaving up to 9.3% potentially still to be paid.

Chemical Fertiliser

Mr T Burns asked the Minister of Agriculture and Rural Development (i) how much chemical fertilizer, in tonnage spread, was used on farms in each of the last ten years; (ii) how much of this fertilizer was imported each year; and (iii) to detail the nitrates and phosphates breakdown of the fertilizer.

(AQW 4565/11)

Minister of Agriculture and Rural Development: The Department collects data on deliveries of fertilisers by local manufacturers in addition to recorded imports. Based on this information, estimates are produced of the purchases of fertiliser by farmers. This information, which is published annually in the 'Statistical Review of Northern Ireland Agriculture', is contained in Table 1 below. Estimates of the nutrient content of these fertiliser purchases are produced also (see Table 1 for a breakdown of nitrate, phosphate and potash content). Table 2 below provides the details of the imports of fertiliser which were recorded over the last 10 years. Please note that imports are included in the totals given in Table 1.

TABLE 1 – PURCHASES OF FERTILISERS FOR AGRICULTURAL AND COMMERCIAL HORTICULTURAL USE IN NORTHERN IRELAND ('000 TONNES).

Year	Total quantity of fertiliser purchased ('000 tonnes)	Quantity of Nutrient ('000 tonnes)		
		Nitrogen	Phosphates	Potash
2001	414	102	20	25
2002	427	105	21	26
2003	427	108	22	27
2004	390	99	20	24
2005	348	88	16	21
2006	320	80	14	19
2007	300	76	9	17
2008	285	74	6	13
2009	214	56	5	8
2010	302	80	7	13

TABLE 2 – RECORDED IMPORTS OF FERTILISER

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Imports ('000 tonnes)	8	3	27	28	8	0	0	0	0	0

Single Farm Payments

Mr P Weir asked the Minister of Agriculture and Rural Development what is the total amount of money which still has to be paid to farmers in North Down for Single Farm Payments.

(AQW 4636/11)

Minister of Agriculture and Rural Development: At 21 February 2011, the total estimated maximum gross value of claims submitted by farmers in the North Down parliamentary constituency under the 2010 SFP scheme, which are not yet finalised, is around £31,700.

Until validation checks are completed on the cases concerned it is not possible to provide the net amount payable to farmers as some claims may be ineligible or subject to the application of penalties under scheme rules. In addition, all payments are subject to modulation. A lower rate of modulation will be deducted from the first €5,000 of payments with a higher rate of 13% deducted from payments over €5,000.

A8 Dual Carriageway: Agriculture

Mr P Girvan asked the Minister of Agriculture and Rural Development for her assessment, from an agricultural perspective, of the proposed A8 By-pass.

(AQO 1108/11)

Minister of Agriculture and Rural Development: My personal opinion is that the wider economic and social benefits of the scheme will vastly outweigh any impact. However, it is the responsibility of the Department of Regional Development (DRD) to ensure the impact of any roads scheme is properly assessed. The Minister for Regional Development has advised that his Department's Road Service has carried out an Environmental Impact Assessment. Part of this assessment identified the likely effects of the scheme on agricultural land. Whilst the impact upon individual farms has been assessed as varying from negligible to significant adverse impact, the overall agricultural impact upon the north has been assessed as negligible. The full Environmental Statement is available on the Roads Service website.

Where practicable, the impacts will be mitigated as part of the scheme development. The Department of Finance and Personnel's Land and Property Service will then take account of the final impact, as part of the overall compensation package.

My main concern in the process is that the impact on individual farm businesses is minimised where possible and properly compensated for when it cannot be mitigated against. Information on the process of land acquisition for major road schemes and the parties and timescales involved is available on the DRD website. These guidelines have been developed by the Department for Regional Development's Roads Service in consultation with the Ulster Farmers' Union and my Department.

The A8 scheme is of considerable strategic importance to the island of Ireland. In January 2007, the Irish Government announced their new National Development Plan (NDP) 2007-2013. This plan contained proposals for considerable Irish Government investment in North/South projects including the Eastern Seaboard Key Transport Corridor of which the A8 is part.

DARD: Headquarters

Ms M Anderson asked the Minister of Agriculture and Rural Development to outline the benefits of relocating her Department's headquarters from Belfast to a location west of the Bann.

(AQO 1107/11)

Minister of Agriculture and Rural Development: As identified in the Draft Budget 2011-15 Spending and Savings Proposals within Department of Agriculture and Rural Development, £13m capital has been reserved during this budget period, out of a total capital budget of £80m approximately. In order to complete the work a further £13m of capital expenditure is required and this will fall into the following budget period. The overall estimated capital cost of a new DARD Headquarters is in the region of £26m.

No decision has yet been taken as to the precise location of the proposed new DARD headquarters but it is time that Government was more proactive in decentralising its functions into the rural community, particularly west of the Bann.

There are significant benefits in relocating to a rural area and because of this I am personally committed to the relocation proposal. Belfast has a very high proportion of public sector employees per head of the working age population and people travel from every council area to work in the public sector in Belfast. It is widely acknowledged that there is a clear disparity in the distribution of public sector jobs in the north of Ireland. This impacts on the ability to grow the economy in a way that rural

areas are not disadvantaged. I would remind Members that one of the Executive's primary aims is to grow the economy, an issue which is even more important in the current economic climate. Relocating public sector jobs can make a significant contribution. For example, bringing accessible, high quality and well paid jobs into rural areas will increase spending and stimulate the local economy. By way of illustration there is over 800 DARD staff located in the current DARD headquarters building.

This represents an important first step to relocate a significant share of public sector jobs and could pave the way for a much larger programme of relocation involving the public sector, which would greatly enhance the economic and social development of our rural communities.

I wish to assure members that this project will be subject to the Executive's usual requirements in respect of business cases and procurement.

Single Farm Payment Stage 2 Appeals

Mr G McHugh asked the Minister of Agriculture and Rural Development for an update on the Single Farm Payment Stage 2 appeals.

(AQO 1109/11)

Minister of Agriculture and Rural Development: Since 2005, when the Single Farm Payment scheme was introduced, my Department has received 555 SFP Stage 2 review applications. Of these 51 did not proceed as the application was either lodged after the required deadline or withdrawn by the applicant.

Of the remaining 504 cases, 358 have been completed and the farm businesses concerned have been informed, 74 are on hold for various reasons, 28 are receiving consideration in advance of going to the Panel, 24 have had a Panel recommendation that is still being considered by the Department and it is intended that the remaining 20 will be forwarded to the Panel for consideration shortly (in the next 10 weeks).

National Ploughing Association

Mrs D Kelly asked the Minister of Agriculture and Rural Development whether she has had any discussions with the National Ploughing Association regarding the possibility of hosting the Irish Ploughing Championships in this jurisdiction.

(AQO 1118/11)

Minister of Agriculture and Rural Development: I have raised the possibility of hosting the Irish Ploughing Championships in a more northerly location with the Managing Director of the National Ploughing Association (NPA). She has advised me that the NPA would consider holding the Ploughing Championships further north if the availability of a suitable site with sufficient land area and infrastructure necessary for this major event was identified.

Relocation of Department's Headquarters

Mr D McNarry asked the Minister of Agriculture and Rural Development what proportion of her capital budget covering the next four years will be spent on the relocation of her Department's headquarters.

(AQO 1119/11)

Minister of Agriculture and Rural Development: As identified in the Draft Budget 2011-15 Spending and Savings Proposals within Department of Agriculture and Rural Development, £13m capital has been reserved during this budget period, out of a total capital budget of £80m approximately. In order to complete the work a further £13m of capital expenditure is required and this will fall into the following budget period. The overall estimated capital cost of a new DARD Headquarters is in the region of £26m.

No decision has yet been taken as to the precise location of the proposed new DARD headquarters but it is time that Government was more proactive in decentralising its functions into the rural community, particularly west of the Bann.

There are significant benefits in relocating to a rural area and because of this I am personally committed to the relocation proposal. Belfast has a very high proportion of public sector employees per head of the working age population and people travel from every council area to work in the public sector in Belfast. It is widely acknowledged that there is a clear disparity in the distribution of public sector jobs in the north of Ireland. This impacts on the ability to grow the economy in a way that rural areas are not disadvantaged. I would remind Members that one of the Executive's primary aims is to grow the economy, an issue which is even more important in the current economic climate. Relocating public sector jobs can make a significant contribution. For example, bringing accessible, high quality and well paid jobs into rural areas will increase spending and stimulate the local economy. By way of illustration there is over 800 DARD staff located in the current DARD headquarters building.

This represents an important first step to relocate a significant share of public sector jobs and could pave the way for a much larger programme of relocation involving the public sector, which would greatly enhance the economic and social development of our rural communities.

I wish to assure members that this project will be subject to the Executive's usual requirements in respect of business cases and procurement.

Department of Culture, Arts and Leisure

Electricity Costs

Mr J Spratt asked the Minister of Culture, Arts and Leisure how much his Department and its arms-length bodies have spent on electricity in each of the last three available financial years.

(AQW 4430/11)

Minister of Culture, Arts and Leisure (Mr N McCausland): The Department and its arms-length bodies (including North/South bodies) incurred the following expenditure on electricity in the financial years 2007-08, 2008-09 and 2009-10:

	2007-08	2008-09	2009-10
Department	£198,518*	£153,897	£165,897
Arms Length Bodies	£668,409	£821,091	£1,554,859**
Total	£866,927	£974,988	£1,720,756

* includes electricity costs for Ordnance Survey of Northern Ireland, an agency of the Department until 1 April 2008.

** includes electricity costs for Libraries NI, an arms-length body of the Department from 1 April 2009

Odyssey Trust Company Limited

Lord Empey asked the Minister of Culture, Arts and Leisure what discussions he or his officials have had with the Odyssey Trust Company Limited with regard to their ongoing activities.

(AQW 4434/11)

Minister of Culture, Arts and Leisure: My officials are in regular discussions with the Odyssey Trust Company Limited in relation to their charitable objectives, particularly to the maintenance of a Science Centre.

Odyssey Trust Company Limited

Lord Empey asked the Minister of Culture, Arts and Leisure who approves the appointment of the Directors of the Odyssey Trust Company Limited.

(AQW 4435/11)

Minister of Culture, Arts and Leisure: The Odyssey Trust Company (OTC) Limited is a charity and an independent company limited by guarantee. As such appointments are a matter for the company and the Directors are appointed by its Trustees.

Odyssey Trust Company Limited

Lord Empey asked the Minister of Culture, Arts and Leisure whether his Department has issued any guidance to the Odyssey Trust Company Limited on how it should disburse its funds.

(AQW 4436/11)

Minister of Culture, Arts and Leisure: It is not within the Department's remit to issue guidance to an independent private company limited by guarantee. It is for the Trustees to ensure that this charitable company's funds are used appropriately.

Odyssey Trust Company Limited

Lord Empey asked the Minister of Culture, Arts and Leisure for his assessment of whether the funds held by the Odyssey Trust Company Limited are being deployed to the best advantage of the community.

(AQW 4437/11)

Minister of Culture, Arts and Leisure: The Odyssey Trust Company (OTC) Limited is a charity and an independent company limited by guarantee.

The Memorandum of Association of the OTC Limited set out the charitable objectives of the Company and these are available from Companies House.

As with any other charitable organisation, those responsible for OTC are duty bound to ensure that they operate efficiently and effectively within the framework of its Memorandum and Articles, and in full accordance with relevant legislation and regulations.

It is recognised that the Odyssey, a project developed on time and within its budget of c. £90m, has achieved considerable success. The project has, among other things, provided the people of Northern Ireland with a prestigious landmark development that has been an important precursor to the regeneration of the Titanic Quarter and has offered a wide range of well supported events to audiences across the whole community that hitherto did not have access locally to a facility of such standard. The Science Centre is one of the top five visitor attractions in Northern Ireland with over 200,000 visitors per year.

Odyssey Trust Company Limited

Lord Empey asked the Minister of Culture, Arts and Leisure to detail the charitable objectives of the Odyssey Trust Company Limited.

(AQW 4438/11)

Minister of Culture, Arts and Leisure: The Memorandum of Association of the Odyssey Trust Company Limited sets out the charitable objectives of the Company. These are available from Companies House, and state that they are:

- (i) to advance public education and in particular, but without limitation to the generality of the foregoing to establish and maintain a science centre or museum to which the public shall be admitted (at no or an appropriate charge having regard to the income and expenses of the Charity as the Charity shall consider fit) ("the Science Centre") at Queen's Quay, Belfast with the intent that the Science Centre will contribute to the advancement of scientific knowledge and the education of the general public in particular the public of Northern Ireland;
- (ii) for the benefit of the inhabitants of Northern Ireland to provide or assist in the provision of facilities for recreation or other leisure-time occupation in the interests of social welfare and with the object of improving their conditions of life.

Elite Sporting Venues

Mr D O'Loan asked the Minister of Culture, Arts and Leisure how much public money has been spent on the five elite sporting venues which are no longer proceeding.

(AQW 4483/11)

Minister of Culture, Arts and Leisure: The funding for Business Case development which may have included public money from district councils is entirely a matter between the applicant and their consultants. Consequently the Department does not have details of the costs.

Draperstown Library

Mr I McCrea asked the Minister of Culture, Arts and Leisure why Draperstown library is (i) only open part-time hours; and (ii) closed on Fridays.

(AQW 4500/11)

Minister of Culture, Arts and Leisure: The number and pattern of opening hours is that which the North Eastern Education & Library Board (NEELB) introduced for 'small' libraries following a review of provision in 2005. Libraries NI retained these agreed hours and the library is now subject to the second stage of the Strategic Review of the public library estate which the organisation is undertaking.

Sectarian Chanting and Disorder of Local Football Fans

Mr B McElduff asked the Minister of Culture, Arts and Leisure for his assessment of the sectarian chanting and disorder of local football fans in and around the Aviva Stadium in Dublin at the recent Carling Nations Cup match.

(AQW 4587/11)

Minister of Culture, Arts and Leisure: I have already publicly stated that I was extremely disappointed by the behaviour shown on the YouTube footage, involving a group of approximately 30 people purporting to support Northern Ireland at the recent game against Scotland in the Carling Nations Cup in Dublin. The behaviour demonstrated by this small group does nothing to promote the good name of football and sport in Northern Ireland to other regions. I understand the IFA has asked for a police report on the incidents in and around the Aviva Stadium and this is currently awaited.

Seaghan Dam, Armagh

Mr W Irwin asked the Minister of Culture, Arts and Leisure to detail the fishing rights arrangements for Seaghan Dam, Armagh.

(AQW 4732/11)

Minister of Culture, Arts and Leisure: Seaghan Dam, Armagh is owned by NI Water and the fishing rights are leased to Armagh Fisheries. This is a private lease agreement between the two parties and DCAL Inland Fisheries Group is not aware of the details of the lease.

A DCAL game rod licence is required by anglers fishing at Seaghan Dam and DCAL Fisheries Protection Officers have powers to check that all anglers fishing the water comply with the requirements of the Fisheries (NI) Act 1966, as amended.

Cultural Awareness Strategy

Ms M Anderson asked the Minister of Culture, Arts and Leisure why his Department is conducting an eight-week rather than a twelve-week consultation on the Cultural Awareness Strategy.

(AQO 1122/11)

Minister of Culture, Arts and Leisure: The current DCAL Equality Scheme recommends 8 weeks consultation. As such the consultation period on the 'Cultural Awareness Strategy' is compliant with it.

2012 Olympics: Training

Mr L Cree asked the Minister of Culture, Arts and Leisure for an update on any Olympic teams that are planning or are negotiating to train in Northern Ireland for the 2012 London Olympics.

(AQO 1127/11)

Minister of Culture, Arts and Leisure: A number of National Olympic Committees and National Paralympic Committees are currently considering Northern Ireland as a destination for their pre Games training; these include Lithuania, Latvia, Poland, Ukraine and Jordan.

SportNI has developed an action plan in conjunction with a number of Governing Bodies and key figures in sport in order to run pre Games training events with a view to securing pre Games Training Camps for a number of sports, such as: badminton, athletics, judo, sailing, boxing, table tennis, fencing and gymnastics.

SportNI is working with the London Organising Committee of the Olympic Games to promote Northern Ireland Venues as a destination for Pre – Games Training Camps and events.

Tourism: North Antrim

Mr P Frew asked the Minister of Culture, Arts and Leisure what his Department has done and intends to do in the North Antrim constituency under the Tourism Strategy to 2020,

(AQO 1128/11)

Minister of Culture, Arts and Leisure: My Department and arm's length bodies make a valuable contribution to cultural tourism through our facilities and services. My officials worked closely with DETI colleagues to develop the Tourism 2020 Strategy.

DCAL's contribution under the strategy spans brand development to tell the story of Northern Ireland's cultural heritage, to provision of access to our canals and rivers and a range of cultural and sporting events.

In North Antrim, my Department has funded and continues to fund a number of activities and services including community festivals in Moyle, the Ulster-Scots Centre in Ballymoney, the Bushmills Salmon Station Open Day, the Milk Cup and angling and arts events across the constituency area.

In the coming spending period, DCAL will be the lead for the World Police and Fire Games which has the potential to provide tourism opportunities across Northern Ireland. The potential impact on our tourism industry is huge, with over 20,000 participants and their families and friends expected to attend.

Sport NI is currently considering two expressions of interest from venues in North Antrim to host events as part of the Games.

Commemorations: Famine

Mr P Doherty asked the Minister of Culture, Arts and Leisure why the Irish Famine/Great Hunger will not be included in his Department's framework under which significant historic events are to be addressed.

(AQO 1129/11)

Minister of Culture, Arts and Leisure: In developing a strategic approach to the issue of commemorations my department's focus was on the 400th and 100th anniversaries of events that occur in the period 2010 to 2021.

Past history has shown that centenary, bicentenary, tricentenary and quadricentenary celebrations are the events that strike a chord with the public, for example the 200th anniversary of 1798 and the 300th anniversary of 1690.

This year is the 166th anniversary of the start of the Irish Famine, as it is the 321st anniversary of the Battle of the Boyne. Neither of these anniversaries fit within the context of the department's strategic approach to commemorations and are therefore not included.

Irish Language Strategy

Mr R McCartney asked the Minister of Culture, Arts and Leisure to provide an update on his position in relation to the development of an Irish Language Strategy.

(AQO 1130/11)

Minister of Culture, Arts and Leisure: In developing a strategic approach to the issue of commemorations my department's focus was on the 400th and 100th anniversaries of events that occur in the period 2010 to 2021.

Past history has shown that centenary, bicentenary, tricentenary and quadricentenary celebrations are the events that strike a chord with the public, for example the 200th anniversary of 1798 and the 300th anniversary of 1690.

This year is the 166th anniversary of the start of the Irish Famine, as it is the 321st anniversary of the Battle of the Boyne. Neither of these anniversaries fit within the context of the department's strategic approach to commemorations and are therefore not included.

Community Festivals Fund

Mrs M O'Neill asked the Minister of Culture, Arts and Leisure to outline the findings from his Department's most recent evaluation of the Community Festivals Fund, and in particular, the findings in relation to underspend.

(AQO 1131/11)

Minister of Culture, Arts and Leisure: In its second year of being administered by the councils, the Community Festivals Fund was very successful.

438 organisations were allocated funding and councils reported financial benefits to the local economy, increased visitor numbers and bed nights and improved community spirit.

In 2009/2010 fourteen councils advised DCAL that they were unable to spend all of their allocation, with a total underspend of just under £36,500.

Councils that were oversubscribed were asked to express an interest in receiving additional funding.

The underspent amount was subsequently reallocated to five councils that had spent more than the required match funding amount on festivals.

Foras na Gaeilge

Mr D O'Loan asked the Minister of Culture, Arts and Leisure for his assessment of whether Foras Na Gaeilge has failed to address any matters which might give rise to concern about its effectiveness and whether he has any evidence of a lack of public confidence in the organisation.

(AQO 1132/11)

Minister of Culture, Arts and Leisure: Foras na Gaeilge has undertaken a review of its core funded bodies and is developing proposals to deliver its statutory remit in a way that improves value for money and delivers the optimum outcomes for the communities it serves.

Foras na Gaeilge is planning to introduce a new funding framework for the sector in 2012 and it is my understanding that work on drafting the new funding schemes has already begun. However, the changes will take time to work through the necessary approval systems.

These proposals arise from concerns from the Sponsor Departments and the sector about the effectiveness of the system and were developed by the Sponsor Departments in conjunction with Foras na Gaeilge.

Steps were taken at the North/South Ministerial Council Meeting in Language Sectoral format on 3 November 2010 to enhance the implementation of the proposals including the appointment of a project manager and the establishment of a steering committee and an advisory committee.

Since the Sponsor Departments are seeking to implement change in a disparate sector in conjunction with Foras na Gaeilge, it is inevitable that tensions will arise between the sector and the agency and also between the agency and the Sponsor Departments. These are natural tensions that are being managed in the normal way.

I do have other concerns however I am unable to comment on them at this point in time as there is ongoing legal correspondence on related matters.

Arts: Young Farmers' Clubs of Ulster

Mr S Moutray asked the Minister of Culture, Arts and Leisure for his assessment of the contribution made to the arts by the Young Farmers' Clubs of Ulster.

(AQO 1133/11)

Minister of Culture, Arts and Leisure: I commend the work of the Young Farmers' Clubs of Ulster and the positive impact the association makes on our local community. The aims, objectives and the diversity of its membership are consistent with my aspiration and commitment to a shared and better future for our society.

The association has a strong programme, including arts and cultural activities, designed to encourage the development of its members. With a membership of around 2,500, aged between 12 and 25 years, there is enormous potential to make a significant contribution to the arts.

I have been keen to explore how my Department can assist the excellent work of the association and have encouraged the association to consider and avail of the potential funding opportunities offered by the Department's arms length bodies and wider government to enhance what it offers to its members.

Libraries: Newtownards

Miss M McIlveen asked the Minister of Culture, Arts and Leisure for an update on the proposed redevelopment of Newtownards Library in light of the current budget constraints.

(AQO 1134/11)

Minister of Culture, Arts and Leisure: I am sure you will be aware that Libraries NI were in discussions with Ards Borough Council to explore the possibility of jointly developing a new library and cultural centre on the site of the Queen's Hall.

However the project is currently 'on hold' as a bid for Libraries NI capital funding was unsuccessful in the Budget 2010 process.

While I am disappointed not to have the money to invest in this project, at this time, it should be remembered that all Departments are going through the biggest budget reductions experienced in a generation. Consequently a number of my Department's priorities are not able to be funded.

Department of Education

Consultations

Mr K Robinson asked the Minister of Education to detail (i) how many consultations her Department has carried out since May 2007; (ii) the cost of each consultation; and (iii) the changes that resulted from the consultations.

(AQW 4426/11)

Minister of Education (Ms C Ruane):

- (i) Ó mhí na Bealtaine 2007, tá 42 comhairliúchán déanta ag mo Roinn.
- (i) Since May 2007 my Department has carried out 42 consultations.
- (ii) The cost of each consultation is detailed below. A number of the consultations were carried by electronic means, resulting in nil cost other than staff costs, which could not readily be disaggregated for individual consultations. Costs associated with the other consultations resulted primarily from translations, printing of documents and hire of premises for public meetings.
- (iii)
 1. EQIA consultation on funding for Transfer interviews - £3790.73
 2. DE Draft Budget 2011-2015 - £3942.22
 3. Draft Early Years (0-6) Strategy Consultation - £18665.26
 4. Disability Action Plan 2010-2013 - £4750.00
 5. Community Relations, Equality & Diversity in Education Policy - £15000.00
 6. Teacher Education in a Climate of Change – The Way Forward - £6767.92
 7. Draft Government STEM Strategy £2670.24
 8. Consultation on draft Education (School Development Plans) Regulations (NI) 2010 - £400.00
 9. Draft Equality Impact Assessment (EQIA) on the Proposal to withdraw Funding from Preparatory Departments of Grammar schools - £616.68
 10. Common Funding Formula Consultation January 2010 - £419.88
 11. Consultation on EMA policy and pupils with Asperger's Syndrome (Focussed consultation to a small number of organisations) – NIL COST
 12. Guidance to schools on school uniform related policies – NIL COST
 13. DE Staff Transfer Scheme – NIL COST
 14. Every School A Good School: The Way Forward for Special Educational Needs and Inclusion - £23418.00
 15. Consultation on the Equality Impact Assessment (EQIA) of the Teachers' (Compensation for Redundancy and Premature Retirement) Regulations (NI) 2010 and complementing amendments to the Teachers' Superannuation Regulations (NI) 1998 - £2092.80
 16. Consultation on the Equality Impact Assessment (EQIA) Every School A Good School – School Improvement Policy - £393.00
 17. Education and Skills Authority Implementation Team Consultation on 'The Education Sector Staff Transfer Scheme' – NIL COST
 18. Food in Schools Policy - £4910.03
 19. School Circular – The Education of Children and Young People from the Traveller Community – NIL COST
 20. School Admissions (Exceptional Circumstances) Regulations 2010 - £3306.35

21. Consultation on the Review of Public Administration – NIL COST
 22. Education and Skills Authority - Director structure consultation – NIL COST
 23. RPA Policy Paper 19: Education Advisory Forum – NIL COST
 24. Equality Impact Assessment of the Transfer 2010 Guidance - £6086.99
 25. Transfer 2010 Guidance - £8925.15
 26. Consultation on the draft teachers' (Compensation for Redundancy and Premature Retirement) Regulations (NI) 2009 - £1857.89
 27. The Recruitment, Redeployment and Voluntary Severance (RRVS) Strategy - NIL COST
 28. Consultation on Draft Pupil Records and Reporting Regulations and Levels of Progression - £13541.00
 29. RPA Policy Paper 20: Publicly owned schools - Ownership and Representation - NIL COST
 30. Review of Irish-medium Education - £18408.89
 31. Local Management of Schools - Common Funding Formula - £717.12
 32. The Teachers' Pensions (Miscellaneous Amendments) Regulations (NI) 2008 - NIL COST
 33. Review of Literacy and Numeracy Strategy- £22827.00
 34. Local Management of Schools - Common Funding Formula – NIL COST
 35. Every School A Good School – School Improvement Policy - £3357.00
 36. Consultation on the Area-based Planning Policy - £761.85
 37. Public Consultation on Building a Better Future - £1863.86
 38. RPA/Paper 5 Governance and Accountability – NIL COST
 39. Careers Education Information Advice and Guidance Strategy – NIL COST
 40. Consultation on Draft Regulations to Prohibit Discrimination by General Qualifications Bodies on the Grounds of Disability - £1780.00
 41. Consultation on Draft Amendment Regulations to Prohibit Discrimination by General Qualifications Bodies on the Grounds of Disability - £1800.00
 42. Policy on Supporting Ethnic-Minority Children and Young People who have English as an Additional Language - £24131.00
- (iv) All responses to consultations are fully considered in formulating final policies. In addition, a number of major policy areas are still under development following the consultations. These include; the Review of Irish-medium Education, Every School a Good school – The Way forward for Special Educational Needs and Inclusion, Draft early Years Strategy and the Review of Literacy and Numeracy Strategy.

Education Psychology Service

Mr K Robinson asked the Minister of Education how many (i) primary school; and (ii) post-primary school children in each Education and Library Board area are currently receiving assistance from the Education Psychology Service; and how many children who have been referred are awaiting assistance. **(AQW 4427/11)**

Minister of Education: Is iad na staitisticí is déanaí atá ar fáil maidir le líon na bpáistí a fhaigheann cuidiú ó na Seirbhísí Síceolaíochta Oideachais sna Boird Oideachais agus Leabharlann ná líon na bpáistí a fuair measúnú sa bhliain acadúil 2009/10. Mar atá:

The most recent statistics available regarding the number of children receiving assistance from the Educational Psychology Services in the Education and Library Boards are the number of children who received an assessment in the 2009/10 academic year. These are:

	BELB	NEELB	SEELB	SELB	WELB
Primary	1335	952	3739	2193*	1624
Post Primary	493	368	787		174

* SELB does not maintain separate figures for Primary and post-Primary schools

The number of children who are awaiting assistance by Educational Psychology Services are recorded as the number of referrals to a Service of children who have not yet been seen by an educational psychologist or whose assessment process has not yet been completed. The numbers for each Board are as follows:

	BELB	NEELB	SEELB	SELB	WELB
No. of referrals	396	666	450	213	348

Free School Meals

Mr S Gardiner asked the Minister of Education to detail for each primary school in the Southern Education and Library Board area, in the 2008/09; and 2009/10 academic year (i) the number and percentage of pupils entitled to free school meals; (ii) the number and percentage of pupils obtaining (a) levels 2 or 3 in the Key Stage 1 assessment; and (b) levels 4 or 5 in the Key Stage 2 assessment for both Maths and English; and (iii) the number and percentage of pupils obtaining A, B1, B2 and C grades in the transfer procedure in the last two years in which this was operational.

(AQW 4477/11)

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.

Department for Employment and Learning

Education Maintenance Allowance

Mr P Weir asked the Minister for Employment and Learning how many people in the North Down area are in receipt of Education Maintenance Allowance.

(AQW 4207/11)

Minister for Employment and Learning (Mr D Kennedy): Data is not available in the constituency format requested. I can advise that as at December 2010, a total of 24,291 Northern Ireland domiciled students had been approved for payment of Education Maintenance Allowance for the current academic year 2010/2011.

Research and Development

Mr C Lyttle asked the Minister for Employment and Learning how much his Department spent on research and development in each of the last five years.

(AQW 4235/11)

Minister for Employment and Learning: The table below details the total research and development funding, allocated by my Department to our Higher Education institutions in each of the last five years, ending in 2009/10. The information is presented by academic year, that is, from 1 August to 31 July.

Academic Year	Recurrent Funding (£m)	Capital Funding (£m)	Total Funding (£m)
2005/06	42.130	21.540	63.670
2006/07	45.918	22.755	68.673
2007/08	47.652	10.322	57.974
2008/09	50.163	8.080	58.243
2009/10	56.090	14.796	70.886

Consultation Documents

Mr P J Bradley asked the Minister for Employment and Learning to list the number and titles of all consultation documents issued by his Department since May 2007.

(AQW 4338/11)

Minister for Employment and Learning: Since May 2007, my Department has issued 27 consultation documents. These are listed below.

- Development of a Higher Education Strategy for Northern Ireland
- Draft Budget 2011-15: Budget Settlement and Proposals to Reduce Expenditure for the Department for Employment and Learning
- The Agency Workers Directive
- Regulations to Prohibit the Blacklisting of Trade Union Members
- Disability Action Plan 2009 -11
- Government STEM Strategy
- Success through Skills 2: The Skills Strategy for Northern Ireland
- Proposed Changes to the Scope of the Construction Industry Training Board in Northern Ireland (CITBNI)
- Disputes in the Workplace: A Systems Review
- Flexible Working and Time to Train: Proposed extension of Flexible Working Law and Introduction of a new right to request time to train.
- Employment Tribunal Claims and the Public Interest Disclosure Act
- Choice for Families: Additional Paternity Leave and Pay: Consultation on Draft Regulations
- Implementation of the European Works Council Directive 2009/38/EC
- An Amendment to the Conduct of Employment Agencies and Employment Businesses Regulations (Northern Ireland) 2005
- A Consultation on the Proposal to Exempt Student Loans from Individual Voluntary Arrangements
- Proposals to revise Qualifications required to Teach in Institutions of Further and Higher Education
- New Regulatory Arrangements for Vocational Qualifications in Northern Ireland
- Consultation on Proposals to Amend Trade Union Law
- Employment Agencies and Businesses: Proposed Changes to Investigation Powers and Penalty Regime
- FE Means Business: Policy Proposals for Curriculum Provision in Further Education Colleges
- The Review of Higher Education in Further Education, including Foundation Degrees

- Preparing for Success: A Careers Education, Information, Advice and Guidance (CEIAG) Strategy for Northern Ireland
- Additional Paternity Leave and Pay: Consultation on Administration
- Changes to Recruitment Industry Law and Related Guidance
- Disability Action Plan 2007–08
- Public Consultation on draft Regulations to Increase Paid Holiday Entitlement (1)
- Public Consultation on draft Regulations to Increase Paid Holiday Entitlement (2)

Tuition Fees for Students

Ms M Ritchie asked the Minister for Employment and Learning, in light of the decision by the Minister of Agriculture and Rural Development not to increase tuition fees for students at agricultural colleges, whether he intends to apply the same to students at universities and colleges of Further and Higher Education.

(AQW 4376/11)

Minister for Employment and Learning: The Student Fees (Amounts) (Amendment) Regulations (Northern Ireland) 2011 were made by my Department on 5 January 2011 and will come into operation on 1 September 2011.

These Regulations provide for an inflationary increase in the prescribed basic and higher amounts which higher education institutions in Northern Ireland may charge by way of tuition fees in academic year 2011/12. I can also advise that the Student Support Regulations for academic year 2011/12 provide for a corresponding increase in the tuition fee loans available to eligible students.

Legal Advice

Mr P Callaghan asked the Minister for Employment and Learning to detail the total amount spent on legal advice for matters relating to industrial relations or related issues by each Regional College, in each of the last three years.

(AQW 4422/11)

Minister for Employment and Learning: I have contacted all six Further Education colleges and they have indicated that the information sought is not readily available in the format requested.

University Students

Mr P Weir asked the Minister for Employment and Learning to detail the number of first year students from (i) the Republic of Ireland; (ii) EU countries, excluding the UK and the Republic of Ireland; and (iii) outside of the EU who have studied at Northern Ireland universities in each of the last ten years.

(AQW 4456/11)

Minister for Employment and Learning: The number of first year students enrolled at Northern Ireland Higher Education Institutions in each of the last ten years for which data are available from (i) the Republic of Ireland; (ii) EU countries, excluding the UK and the Republic of Ireland; and (iii) outside of the EU is detailed in the table overleaf: -

Academic year	ROI	EU countries (excluding the UK and Republic of Ireland)		Outside of the EU
2000/01	1,480	175		700
2001/02	1,580	140		690
2002/03	1,550	235		655

Academic year	ROI	EU countries (excluding the UK and Republic of Ireland)	Outside of the EU
2003/04	1,645	195	675
2004/05	1,730	250	695
2005/06	1,550	195	665
2006/07	1,310	230	770
2007/08	1,555	210	590
2008/09	1,410	215	825
2009/10	2,070	160	760

Source: HESA

Note: Figures have been rounded to the nearest 5.

Spend on Electricity

Mr J Spratt asked the Minister for Employment and Learning how much his Department and its arms-length bodies have spent on electricity in each of the last three available financial years.

(AQW 4462/11)

Minister for Employment and Learning: The total amount spent on electricity by the Department for Employment and Learning, and its arms-length bodies, in each of the last three financial years is:

2007/2008	2008/2009	2009/2010
£3,036,871.18	£3,244,598.06	£3,242,785.63

The full breakdown is included at Annex A.

Annex A

BREAKDOWN OF SPEND ON ELECTRICITY -

2007/2008	2008/2009	2009/2010
£135,395.00	£174,000.00	£146,777.00

CITB CONSTRUCTIONSKILLS NI

2007/2008	2008/2009	2009/2010
£41,145.00	£42,411.00	£21,844.00

ULSTER SUPPORTED EMPLOYMENT LIMITED

2007/2008	2008/2009	2009/2010
£27,155.00	£26,700.00	£28,863.00

LABOUR RELATION AGENCY

2007/2008	2008/2009	2009/2010
£24,026.00	£27,431.00	£34,041.00

OFFICE OF INDUSTRIAL TRIBUNALS AND THE FAIR EMPLOYMENT TRIBUNAL

2007/2008	2008/2009	2009/2010
£30,865.75	£36,784.53	£10,300.64

FURTHER EDUCATION COLLEGES

2007/2008	2008/2009	2009/2010
£2,778,284.43	£2,937,271.53	£3,000,959.99

Immigrant Workers

Mr B Wilson asked the Minister for Employment and Learning what steps are being taken to ensure that the qualifications of immigrant workers are given due recognition by employers.

(AQW 4558/11)

Minister for Employment and Learning: There is provision within my Department for migrants to have their qualifications, academic and vocational, mapped to UK equivalents. This is done through the United Kingdom National Academic Recognition Information Centre (UK NARIC), International Comparisons databases, to which my Department subscribes. This service has been available to anyone contacting the Department since April 2002. However, in December 2010 a pilot was launched by the Department's Employment Service in its Dungannon and EURES (Belfast) offices to provide qualifications equivalences to migrants more locally. The pilot will be reviewed after three months.

This service can also be used by employers, and I can report that enquiries have been received from employers wishing to check the validity of particular qualifications presented to them by migrants seeking employment.

Student Costs

Ms D Purvis asked the Minister for Employment and Learning to detail the total annual cost, to the Departmental Expenditure Limit budget, of a full-time student in (i) further education; and (ii) higher education, in each of the last five years.

(AQW 4559/11)

Minister for Employment and Learning:

(i) Further Education

Recurrent block grant funding to the six Further Education Colleges is allocated on an academic year basis through the Further Education funding model and allocations are made in line with Departmental priorities. The average cost of a full-time enrolment paid through the funding model is detailed in the table below.

	2010/11	2009/10	2008/09	2007/08	2006/07
FE Recurrent Grant	£4,745	£4,431	£4,749	£5,296	£3,647

Additionally other financial support is available to all students, including full-time students, who are inhibited by financial considerations from accessing and participating in further education or who,

through whatever reason including physical or other disabilities face financial difficulties. Due to the nature and range of support available it is not possible to disaggregate this to student level.

(ii) Higher Education

The Department incurs costs relating to institutional grant and individual student support in respect of a full-time student in higher education. It is not possible to quote a figure for a full-time student as the amount is dependent on the course taken and on the individual's personal and family circumstances. However, all the elements and costs quoted below do impact on the Department's Departmental Expenditure Limit budget.

Table 1 below provides the institutional cost of a full-time student in each of the last five years. The actual level of institutional grant depends on the type of course an individual enrolls on and in the current year the cost could range from £4,737 to £18,948. An average figure has also been provided which is based on a Full Time Equivalent (FTE) basis.

TABLE 1

Course Type	2010/11 £	2009/10 £	2008/09 £	2007/08 £	2006/07 £
The clinical stages of medicine and dentistry courses	18,948	18,700	18,656	17,916	17,044
Laboratory-based subjects (science, pre-clinical stages of medicine and dentistry, engineering and technology)	8,053	7,948	7,929	7,614	7,244
Subjects with a studio, laboratory or fieldwork element	6,158	6,078	6,063	5,823	5,539
All other subjects	4,737	4,675	4,664	4,479	4,261
Average FTE Cost	5,126	5,267	5,072	4,892	4,597

In addition to the above, a full-time student could qualify for a range of grants and allowances depending on personal and family circumstances. Table 2 below summarises the maximum amount that a student could qualify for in each instance. It is not possible to quote an average figure in this instance.

TABLE 2

	2010/11 £	2009/10 £	2008/09 £	2007/08 £	2006/07 £
Tuition fee Grant	£1,310	£1,285	£1,225	£1,225	£1,200
Maintenance Grant	£3,475	£3,406	£3,335	£3,265	£3,200
Parent Learning Allowance	£1,538	£1,508	£1,470	£1,435	£1,400
Disabled Dependants Allowances	£27,963	£27,405	£26,710	£18,965	£18,535
Childcare Grant	£13,260	£13,260	£13,260	£13,260	£13,260
Adult Dependants Grant	£2,695	£2,642	£2,575	£2,510	£2,455

Earnings Disregard

Ms S Ramsey asked the Minister for Employment and Learning whether his Department is willing to co-operate with the pilot on earnings disregard, which aims to address child poverty by enabling parents in households where no-one works to return to work.

(AQW 4575/11)

Minister for Employment and Learning: I support any action that will help to lift people, and especially children, out of poverty. However, the proposed earnings disregard pilot has been overtaken by events. A new Welfare Reform Bill, recently introduced in Westminster, will introduce Universal Credit in October 2013. This new credit will allow benefit claimants to keep more of their earnings as benefits will be withdrawn at a uniform rate of no more than 65 pence in every additional pound earned. This change will do exactly what the earnings disregard pilot will test. I expect Universal Credit to be introduced in Northern Ireland in 2013 as a social security parity measure. To trial a change to a benefits regime which is about to be radically changed would, in my view, be nugatory.

Department of Enterprise, Trade and Investment

Appointments to Public Bodies and Arm's-Length Bodies

Mr G Campbell asked the Minister of Enterprise, Trade and Investment to detail the number and names of individuals that have been appointed to (i) public bodies; and (ii) arms-length bodies since May 2007.

(AQW 4449/11)

Minister of Enterprise, Trade and Investment (Mrs A Foster):

- (i) There have been 53 appointments including 19 re-appointments (R) made to DETI public bodies (ie NDPBs) since May 2007, detailed as follows:

Date	Name*	NDPB
1/1/2008	Mrs Sarah Havlin Mr Colm Bradley Mr Rick Hill (Member)	General Consumer Council for NI
1/1/2009	Mr Rick Hill (Chair) Mr Kit Chivers Mrs Anne Diamond Mr Alan Ferguson Mr Michael Donnelly (R) Mr John Gillvray (R) Mrs Celia Gourley (R) Mr Bob McCann (R) Mr William Taylor (R)	
1/8/2009	Mrs Deirdre Fitzpatrick Mrs Jill Gillespie Mr Scott Kennerley Dr Margaret Ward Mr Lee Wilson	

Date	Name*	NDPB
1/1/2010	Mrs Siubhan Grant (R)	General Consumer Council for NI
1/1/2011	Mrs Sarah Havlin (R) Mr Colm Bradley (R)	
1/4/2008	Prof Peter McKie CBE (R)	Health & Safety Executive for NI
1/10/2008	Mr Gerard Campbell Mr Crosby Cleland Mr Lyn Fawcett Mr Pat Lyons	
1/10/2009	Mrs Stephanie Lowry (R) Mr James Collins (R) Mr John Gillvray (R) Mr Brendan Mackin (R) Mrs Brenda Maitland (R)	
1/4/2011	Mr George Lucas	
1/4/2008	Mr Roy Adair Mr Tim Brundle Dr David Dobbin CBE Mr Mark Ennis Mr Frank Hewitt Dr Alan Lennon OBE Prof Gerry McCormac Mr Gerry McGinn	Invest NI
1/1/2009	Mr Stephen Kingon (R)	
1/4/2009	Mr John Brady (R) Dr Bryan Keating (R) Mr Ed Vernon(R)	
1/7/2008	Mr Michael Deane Mr Thompson Keating Dr Sally Montgomery	NI Tourist Board
1/1/2009	Mr Clive Gordon Mr Howard Hastings (Member) Mr Alistair McGowan Mr Donald Price Mr Martyn Todd	
1/2/2009	Mr Kevin Baird (R)	
1/3/2009	Mr Howard Hastings (Chair)	

* Other than for reappointments, if a name appears twice, the position, ie member or chair, is indicated in brackets.

(ii) nil

Electricity

Mr J Spratt asked the Minister of Enterprise, Trade and Investment how much her Department and its arms-length bodies have spent on electricity in each of the last three available financial years.

(AQW 4463/11)

Minister of Enterprise, Trade and Investment: The Department of Enterprise Trade and Investment and its arms-length bodies have spent the following amounts on electricity in the last three financial years.

	2007-2008	2008- 2009	2009-2010
DETI	£163,501	£187,372	£197,334
Health and Safety Executive NI	£14,050	£14,548	£14,646
Invest NI	£243,819	£252,441	£208,404
Consumer Council for NI	£7,960	£10,553	£11,733
NI Tourist Board	£56,816	£64,284	£54,372*

* Full costs unavailable as some electricity costs are included in rental charges from this year.

Enterprise Northern Ireland

Mr D Kinahan asked the Minister of Enterprise, Trade and Investment (i) the level of funding her Department allocated to Enterprise Northern Ireland in each of the last five years; and (ii) for a general breakdown on how this money was spent.

(AQW 4678/11)

Minister of Enterprise, Trade and Investment: Apart from funding of the Points of Presence initiative, Invest NI does not provide Enterprise Northern Ireland with funding. Enterprise Northern Ireland have successfully tendered for Invest NI programme delivery.

The level of funding to Enterprise Northern Ireland in each of the last five years is as follows:

2006/7	2007/8	2008/9	2009/10	Current year	Total
£3,052,000	£3,136,991	£2,682,005	£3,075,071	£3,910,797	£15,856,864

The breakdown of the funding is as follows:

- £500,000 for the Points of Presence initiative, for branding, signage and Customer Relationship management system within ENI's Local Enterprise Agency members.
- £2,235,579 for delivery of the Social Entrepreneurship Programme
- £7,361,000 for delivery of the Start a Business Programme
- £5,760,285 for delivery of the Enterprise Development Programme

Department of the Environment

Reorganisation of Planning Service Offices

Mr P Weir asked the Minister of the Environment for an update on the reorganisation of Planning Service offices.

(AQW 4205/11)

Minister of the Environment (Mr E Poots): On April 1, Planning Service will cease to be an Agency and its functions and staff will be absorbed into the core of the Department. Area Planning Offices, with their Development Plan and development management services, will be brigaded in one Division dealing with local planning.

A separate Division will deal with all strategic planning functions – including determination of “Article 31” and special subjects (eg windfarms and minerals) applications; along with operational advice on development plans, development management and landscape and design.

Tree Preservation Orders

Lord Morrow asked the Minister of the Environment to detail the number and location of Tree Preservation Orders made in each of the last three years.

(AQW 4227/11)

Minister of the Environment: 114 Tree Preservation Orders (TPOs) have been made during the period January 2008 to December 2010. The table below identifies the numbers made during each of the three years for each council area. I regret in the time available I was unable to provide the location of all the TPOs listed in council areas, but shall write with these details to the Member within the next few days.

Division	Council Area	2008	2009	2010	Totals
Belfast	Belfast	3	5	5	13
	Newtownabbey	1	1		2
	Castlereagh				0
Ballymena	Ballymena	1	3	1	5
	Antrim	5			5
	Larne	1	2		3
	Magherafelt		5	2	7
	Carrickfergus			1	1
Londonderry	Derry			2	2
	Limavady		1	1	2
	Coleraine	1	1		2
	Ballymoney		1		1
	Moyle	1	1	1	3
Omagh	Omagh			1	1
	Strabane		1	1	2
	Cookstown	1			1
	Dungannon & S.Tyrone				0

Division	Council Area	2008	2009	2010	Totals
	Fermanagh	2	1		3
Craigavon	Craigavon	1			1
	Banbridge		1		1
	Newry & Mourne	1			1
	Armagh				0
Downpatrick	Down	10	7	1	18
	Lisburn	4	2	4	10
	North Down	5	6	4	15
	Ards	9	4	2	15
Totals		46	42	26	114

Local Government Staff Commission

Mr P Butler asked the Minister of the Environment to detail the level of funding his Department has allocated to the Local Government Staff Commission in each of the last five years.

(AQW 4278/11)

Minister of the Environment: The Local Government Staff Commission received £25,000 in 2006/07 from my department and another £25,000 in 2008/09.

Prosecutions Under Article 66A (1) of the Planning (NI) Order 1991

Mr C McDevitt asked the Minister of the Environment to detail the number of prosecutions under Article 66A (1) of the Planning (NI) Order 1991 since 2005; and how many have been successful.

(AQW 4306/11)

Minister of the Environment: Prior to 2009, Planning Service did not retain full electronic records for Enforcement therefore, in order to provide you with accurate information for the time period in question a manual check of case files would be required. This is not only disproportionate in terms of time and cost but would result in un-validated statistics being released.

My Department has advised that one investigation during the 2009/10 and two investigations during the 2010/11 business year to date, relating to the cutting down, uprooting or wilfully destroying a tree, or wilfully damaging, topping or lopping a tree protected by a Tree Preservation Order (TPO) resulted in prosecutions.

Consultation Documents

Mr P J Bradley asked the Minister of the Environment to list the number and titles of all consultation documents issued by his Department since May 2007.

(AQW 4339/11)

Minister of the Environment: My Department has issued 139 consultation documents since 1 May 2007.

The list below shows the title of each document issued.

Consultation Title

- 'Reform of the Northern Ireland Planning System: Draft Equality Impact Assessment (EQIA) at a strategic level in response to Programme for Government proposals'
- 'Reform of the Planning System in Northern Ireland: Your chance to influence change' Consultation paper
- A Northern Ireland Marine Bill – Policy Proposals
- Air Quality Standards Regulations (Northern Ireland) 2010
- April 2009: Consultation on Driver CPC Scheme - Improvements to Administrative Arrangements
- Consultation Document - Draft Local Government (Contracts) Regulations
- Consultation Document on draft regulations implementing the Single (Internal) Market provisions of the Batteries and Accumulators and Waste Batteries and Accumulators Directive (2006/66/EC) ("the Batteries Directive")
- Consultation Of Local Government Reform - Policy Proposals
- Consultation on a proposal to amend the Landfill Regulations (Northern Ireland) 2003
- Consultation on definition of Significant Personal Injury
- Consultation on draft guidance on the legal definition of waste and it's application
- Consultation on draft Private Water Supplies Regulations
- Consultation on Draft Regulations and Guidance
- Consultation on Draft Regulations and Guidance Implementing Directive 2004/35/EC on Environmental Liability with Regard to the Prevention and Remedying of Environmental Damage
- Consultation on Draft Regulations for Signs and Warning Lights on School Buses
- Consultation on draft revised UK Strategy for Radioactive Discharges 2006-2030
- Consultation on draft spending and savings proposals
- Consultation on draft Water Framework Directive (Priority Substances and Classification) Regulations
- Consultation on Drink Driving Limit in Northern Ireland, Penalties and Police Powers
- Consultation on introduction of Scottish 85 year rule protections
- Consultation on Meeting EU Landfill Diversion Targets
- Consultation on Preparing A Road Safety Strategy for Northern Ireland 2010-2020
- Consultation on Proposals for a future Exemptions Regime under the Radioactive Substances Act 1993 and the Environmental Permitting Regulations 2010
- Consultation on proposed amendment of the Motor Vehicles (Construction and Use) Regulations (NI) 1999 to control retrofitting and refilling of air conditioning systems used in motor vehicles
- Consultation on proposed amendment of the Motor Vehicles (Construction and Use) Regulations (NI) 1999 to control retrofitting and refilling of air conditioning systems used in passenger cars and car-derived vans
- Consultation on proposed amendment of the Motor Vehicles (Construction and Use) Regulations (NI) 1999 to increase the maximum width of certain trailers
- Consultation on proposed amendment of the Motor Vehicles (Construction and Use) Regulations (NI) 1999 to increase the maximum width of certain trailers
- Consultation on proposed amendments to the Road Vehicles Lighting Regulations to provide for conspicuity markings on Heavy Goods and DVA Enforcement Vehicles and to Lighting/Construction and Use Regulations to allow the use of blue lamps/sirens on Emergency Vehicles
- Consultation on proposed Passenger and Goods Vehicles (Community Recording Equipment Regulation) Regulations (NI) [2011] to enable installation of digital tachographs on light vehicles

- Consultation on proposed regulations requiring replacement tyres on motor vehicles to comply with European noise limits
- Consultation on Revising the Requirements regarding Evidence of Evidence of
- Consultation on the draft Clean Neighbourhoods and Environment Bill (Northern Ireland)
- Consultation on the Draft Northern Ireland Environmental Noise Directive Action Plan and Competent Authority Noise Action Plan Guidance
- Consultation on the Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009
- Consultation on the Goods Vehicle (Licensing of Operators) Act (Northern Ireland) 2010 - Exemptions and Scope
- Consultation on the introduction of restrictions on the landfilling of certain wastes
- Consultation on the Landfill Allowances Scheme (Amendment) Regulations (Northern Ireland) 2008
- Consultation on the proposed amendments to the existing Waste Management Licensing Regulations (NI) 2003 to provide an exemption for the Landspreading of Sludges from on-site effluent treatment (following 'conventional treatment' or 'enhanced treatment').
- Consultation on the Retrofitting of Mirrors on HGV Goods Vehicles
- Consultation on the Strategy for the Management of Solid Low Level Radioactive Waste from the Non-Nuclear Industry in the UK
- Consultation On The Third EC Directive On Driving Licences
- Consultation on the transposition of the revised Waste Framework Directive
- Consultation on the Waste Batteries and Accumulators (Treatment and Disposal) Regulations (NI) 2009
- Consultation on the Waste Management Strategy Regulations (NI) 2009
- Consultation paper on amendments of the restriction of the use of certain substances in Electrical and Electronic Equipment (ROHS) Regulations (S.I. 2006 NO. 1463)
- Consultation Paper On Draft Site Waste Management Plans Regulations
- Consultation Paper on options for implementing the Batteries and Accumulators and Waste Batteries and Accumulators Directive (2006/66/EC)
- Consultation Paper on Recycling Targets for Packaging for 2008 and Thereafter
- Consultation paper on Taxi Operator Licensing in Northern Ireland
- Consultation paper on the future of Bus Operator Licensing in Northern Ireland
- Consultation paper on the proposed Nitrates Action Programme Regulations (Northern Ireland) 2010
- Consultation Paper on the Transposition of the Groundwater Daughter Directive 2006/118/EC
- Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010
- Cover note - Consultation on proposals to amend the driving licence standards for vision, diabetes and epilepsy
- Criteria for Listing A consultation on proposed revisions to: Annex C of Planning Policy Statement 6
- DOE Draft Budget 2011-15 - Consultation on Draft Spending and Savings Proposals.
- Draft Addendum to PPS 7: Residential Extensions and Alterations
- Draft Addendum to PPS 7: Safeguarding the Character of Established Residential Areas
- Draft Addendum to PPS 7: Safeguarding the Character of Established Residential Areas
- Draft Local Government (Finance) Bill
- Draft Local Government Pension Scheme (Amendment No. 2) Regulations (Northern Ireland) 2007

- Draft Local Government Pension Scheme (Amendment No. 4) Regulations (Northern Ireland) 2007
- Draft Local Government Pension Scheme (Amendment No. 4) Regulations 2007
- Draft Local Government Pension Scheme (Amendment No.3) Regulations (Northern Ireland) 2007
- Draft Planning Policy Statement 16: Tourism
- Draft Planning Policy Statement 18 'Renewable Energy'
- Draft Planning Policy Statement 23: Enabling Development
- Draft Planning Policy Statement 24: Economic Considerations
- Draft Spending and Savings Proposals DOE Draft Budget 2011-15
- Driver Certificate of Professional Competence Further Implementation Arrangements
- Environmental Impact Assessment of Reserved Matters Applications Consultation
- European Proposals to amend Driving Licence Standards for Diabetes - Impact Assessment
- European Proposals to amend Driving Licence Standards for Epilepsy - Impact Assessment
- European Proposals to amend Driving Licence Standards for Vision - Impact Assessment
- European Proposals to amend the Working Time Directive for mobile workers (UK-wide consultation issued by DfT)
- Exception in Northern Ireland from the EU Drivers' Hours Rules for Reservists - European Regulation (EC) No. 561/2006
- Final summary of comments in relation to the consultation on packaging waste targets for publication
- Financial Provision Policy for waste activities in Northern Ireland.
- Government consultation on European Commission proposals to recast the EC Directives on Waste Electrical and Electronic Equipment (WEEE) and on the Restriction of the use of certain Hazardous Substances in electrical and electronic equipment (RoHS)
- Graduated Fixed Penalties, Financial Penalty Deposit & Immobilisation Schemes: A Consultation
- Graduated Fixed Penalty, Financial Penalty Deposit and Immobilisation Schemes - Final Regulatory Impact Assessment
- High Hedges Bill Consultation
- Householder Permitted Development Rights Consultation
- Indemnities for members and officers
- Introduction of Compulsory Basic Training for Learner Motorcyclists and a Motorcycle Instructor Register
- Learning to Drive
- Local Air Quality Management Policy Guidance Consultation
- Local Government (General Grant) (Amendment) Regulations (NI) 2010
- Malone Conservation Area Draft Boundary Review and Character Appraisal Design Guide
- Managing Radioactive Waste Safely
- Managing Stormwater: A strategy for promoting the use of Sustainable Drainage Systems (SuDs) within Northern Ireland
- Marine Licensing under the Marine and Coastal Access Act 2009
- Marine Minerals Dredging Regulations: Supplementary Consultation on Revised Application Fees
- Marine Policy Statement: A Draft for Consultation
- Marine Strategy Framework Directive: Putting in place the legal framework for implementation

- Neagh Bann Draft River Basin Management Plan Tier 2
- New Local Government Pension Scheme
- Northern Ireland Environment Agency (NIEA) Enforcement Policy.
- Northern Ireland Environment Agency Charging Policy 2010 - 2013
- Ozone Depleting Substances Joint Consultation Paper
- Permitted Development Rights for Microgeneration Development
- Permitted Development Rights for Non-householder Development
- Permitted Householder Development Rights
- Planning Fees in Northern Ireland: Proposals for Change
- Pollution Prevention and Control (Amendment) Regulations (NI) 2009
- Pollution Prevention and Control Charging Scheme and Radioactive Substances Scheme 2009
- Prohibition on the Use of Lead Shot over Wetlands – A Consultation Paper
- Prohibition on the Use of Leadshot over Wetlands
- Proposals for a Waste Bill
- Proposals for additional designations under the Shellfish Waters Directive
- Proposals for Amendments to Waste Management Licensing Exemptions Relating to Hazardous Waste
- Proposals for Revision of the Historic Buildings Grant-aid Policy and Introduction of NGO Funding Scheme
- Proposals to amend the driving licence standards for vision, diabetes and epilepsy
- Proposals to introduce a Fees & Charges Scheme under The Water Abstraction & Impoundment (Licensing) Regulations (Northern Ireland) 2006.
- Proposed Amendments to Bus and Coach Construction legislation
- Proposed Amendments to the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992: Consultation Paper
- Real weight requirements for driving test vehicles
- Response to Consultation Comments - Geological Disposal Facilities on Land for Solid Radioactive Wastes- March 2009
- Response to Consultation Comments on Near-surface Disposal Facilities - March 2009
- Review of Non Householder Permitted Development Rights Consultation
- Review of Old Mineral Permissions - Environmental Impact Assessment: Consultation Paper
- Review of the UK Domestic Drivers' hours Rules (UK-wide consultation issued by DfT)
- Review of The Wildlife (Northern Ireland) Order 1985 – A Consultation Paper
- Review of waste activities fees and charges
- Stage Two consultation on the transposition of the revised Waste Framework Directive (Directive 2008/98/EC)
- State of the Environment Questionnaire
- Strangford Area of Outstanding Natural Beauty 2009
- Summary and analysis of the responses received from the public consultation
- Summary and analysis of the responses to the Graduated Fixed Penalty, Immobilisation and Deposit Schemes consultation document

- The Pollution Prevention and Control (Industrial Pollution and Radiochemical Inspectorate) Charging Scheme (Northern Ireland) 2008.
- The Pollution Prevention Control (District Councils) Draft Charging Scheme 2010
- The Pollution Prevention Control (District Councils) Draft Charging Scheme 2011
- The Waste Management Licences (Consultation and Compensation Regulations (NI) 2008- A Consultation Paper
- The Waste Management Licences (Consultation and Compensation Regulations (NI) 2008- A Consultation Paper
- Transposing the Mining Waste Directive (2006/21/EC) in Northern Ireland Consultation
- Vehicle and Operator Services Agency (VOSA) and Driver and Vehicle Agency (DVA) Powers to Stop Commercial Vehicles at the Roadside (UK-wide consultation issued by DfT)
- Water Matters “Have your say” - North Western River Basin District
- Water Matters (Neagh Bann River Basin)
- Water Matters (North Eastern River Basin)

Spend on Electricity

Mr J Spratt asked the Minister of the Environment how much his Department and its arms-length bodies have spent on electricity in each of the last three available financial years.

(AQW 4464/11)

Minister of the Environment: The table below provides the costs incurred by my Department and its arms-length bodies on electricity in each of the last three available years. These costs exclude the cost of electricity paid for by DFP Properties Division for office estate buildings other Department's including DOE may occupy. DFP will include these costs in their reply.

DOE	2007/08 £	2008/09 £	2009/10 £
Electricity Costs	615,333	723,717	756,946

Felled Trees at Myrtle Lodge, Newcastle

Mr B Wilson asked the Minister of the Environment what action has been taken to enforce the Tree Preservation Order on trees which were felled at Myrtle Lodge, Newcastle.

(AQW 4466/11)

Minister of the Environment: The Department has taken legal advice and is currently considering its position in relation to the enforcement action regarding the felling of trees that were covered by a Tree Preservation Order.

It is not possible to disclose details at this time due to data protection issues and to avoid any prejudice to legal action by the Department.

Northern Ireland Environment Agency

Mr D McNarry asked the Minister of the Environment, pursuant to AQW 3389/11, to define the status of the Northern Ireland Environment Agency, given that its employees are civil servants employed by his Department under NICS terms and conditions.

(AQW 4479/11)

Minister of the Environment: The Northern Ireland Environment Agency is an Executive Agency within the Department of the Environment in Northern Ireland. It is the successor of the Environment &

Heritage Service (EHS) which was also an Executive Agency within the Department. The NIEA was launched on 1 July 2008 as a result of a Ministerial decision that the EHS would be reorganised into the NIEA.

The Chief Executive of the Agency is also the Agency Accounting Officer with the responsibilities and delegations outlined in Chapter 3 of the Department of Finance & Personnel (DFP) Guide - Managing Public Money Northern Ireland.

As the Agency is an integral part of the DOE, the Principal Accounting Officer for all matters relating to NIEA is the Permanent Secretary of the DOE.

Departmental Redundancies and Redeployments

Mr D McNarry asked the Minister of the Environment how many staff hired by his Department since 2007 have been, or are in the process of being, (i) redeployed; or (ii) made redundant.

(AQW 4480/11)

Minister of the Environment: Since 1 January 2007 my Department has recruited a total of 286 staff. Of this number 97 staff were recruited in the General Service discipline, of which 5 have been redeployed and 1 is in the process of being redeployed. 189 staff were recruited in the Specialist disciplines and to date none of these staff have been redeployed and whilst future specialist redeployments are anticipated individual staff have not been identified.

To date the Department has not made any redundancies.

Appointments to Public Bodies and Arm's-Length Bodies

Mr G Campbell asked the Minister of the Environment to detail the number and names of individuals who have been appointed to (i) public bodies; and (ii) arms-length bodies since May 2007.

(AQW 4504/11)

Minister of the Environment: As Minister of the Environment I have responsibility for appointing individuals to the following public bodies:

- The Northern Ireland Local Government Officers' Superannuation Committee (NILGOSC);
- The Local Government Staff Commission for Northern Ireland (LGSC);
- The Council for Nature Conservation and the Countryside (CNCC);
- The Historic Buildings Council (HBC) and
- The Historic Monuments Council (HMC).

Since May 2007, there have been a total of 44 appointments made to these bodies.

The number of appointments made to each of the bodies, as well as the names of the individuals appointed is detailed in the table below.

Public Body	Number of Appointments Made Since May 2007	Names of Individuals Appointed
NILGOSC	6	Trevor Salmon Julie Erskine Joe Donaghy Celine McCartan Colin O'Hare Bumper Graham

Public Body	Number of Appointments Made Since May 2007	Names of Individuals Appointed
LGSC	7	Mervyn Rankin Ashley Boreland Celine Connolly William Francey MBE Ald Nigel Hamilton Ald Geraldine Rice MBE Seamus Shields
CNCC	10	Patrick Casement Peter Archdale Dr Tony Bazley Patrick Dorrian Dr Richard Horton Dr Hilary Kirkpatrick Elizabeth McCullough Samuel McGregor Prof Bernard Smith Andrew Upton
HBC	11	Brian Banks Kenneth Boston Cathal Crimmins Joe Diamond Noelle Houston Hannah Kenny Alistair Lindsay Robert Martin Patrick McGuigan Robert Miles Dr Patricia Warke
HMC	10	Prof Gabriel Cooney Henry Bell Michael Conway Tim Cunningham Marga Foley Suzanne Lyle Phillip Macdonald John McGillan Anne-Marie McStocker Stephen Russell

Removal of Hazardous Waste

Mr J O'Dowd asked the Minister of the Environment what advice the Northern Ireland Environment Agency has given to Craigavon Borough Council in relation to the Agency's responsibility for the removal of hazardous waste contained in a trailer in the Carn Industrial Estate, Craigavon.

(AQW 4514/11)

Minister of the Environment: My Department was notified about the trailer in May 2010 and investigated the incident thoroughly with HMRC and PSNI in June 2010. NIEA were not in a position to give advice to the council as they do not have the legal authority, the resource or the infrastructure to remove or clean-up controlled waste. Local district councils do have the powers, under Article 28 of The Waste and Contaminated Land (NI) Order 1997 to remove and clean-up controlled waste and I

understand that both Roads Service and Craigavon Borough Council have been in discussions about the proper disposal of this waste.

Carvill Group

Mr A Maskey asked the Minister of the Environment, in light of the difficulties being experienced by the Carvill Group, to outline her Department's understanding of the current ownership status of the Sirocco Quays development site in Belfast.

(AQW 4539/11)

Minister of the Environment: The only information my Department has in respect of the ownership of the Sirocco Quays site is detailed on the Planning Application Certificate submitted with the planning application for the current development proposals on the site. This Certificate constitutes a statement of ownership and not proof of ownership. In this instance the applicants, the Carvill Group, served notice on the following bodies who appeared to have an interest in the land other than the Carvill Group itself;

- Translink, Central Station East Bridge Street, Belfast, Co Antrim BT1 3PB
- DRD Roads Service, Hydebank, 4 Hospital Road, Belfast, BT8 8JL
- Department for Social Development, Belfast City Centre Regeneration Directorate, 2nd Floor McKelvey House, 25 Washington Place, Belfast, BT1 6GD
- Conor Wylie, Millar McCall Wylie, Solicitors, 1 Lanyon Quay, Belfast, BT1 3GP

Big Picture Developments

Ms C Ní Chuilín asked the Minister of the Environment (i) whether any member of the Planning Service has had any contact with Big Picture Developments since December 2009; (ii) if so, what was the nature of this contact; (iii) whether any member of the Planning Service is related to representatives of Big Picture Developments, including its agent; and (iv) if so, whether this member of the Planning Service has had any involvement with any aspect of the planning application for the Nelson Street site in North Belfast since December 2009.

(AQW 4634/11)

Minister of the Environment:

- (i) & (ii) Since December 2009 various members of Planning Service staff have been in contact with the agent representing Big Picture Developments in the course of processing this application. Contact took the form of discussions as to changes to be made to the application and progress which was being made to bring it to a decision.
- (iii) A member of staff whose husband is working as a Planning Consultant along with the lead agent on this application is the Principal Planning Officer dealing with enforcement in Belfast Divisional Planning Office. Following the retirement of another Principal Planner she has taken responsibility for dealing with applications in North and West Belfast excluding those where her husband is acting as a Planning Consultant on behalf of an applicant or objector. She therefore has declared an interest in the big picture planning application and has not at any time been involved in the processing of the application. This is in line with Planning Service policy on conflicts of interest. I am unaware of any other member of staff in the Planning Service having a connection with Big Picture Developments or its agent.
- (iv) Consideration of the application is ongoing in the normal way. The member of staff who is related to the agent has never had any involvement with any aspect of the planning application since it was received.

Belfast Metropolitan Area Plan

Mr P Weir asked the Minister of the Environment to outline the planned timetable for the roll-out of the Belfast Metropolitan Area Plan.

(AQW 4637/11)

Minister of the Environment: The Draft Belfast Metropolitan Area Plan (BMAP) 2015 was published in November 2004. Approximately 4,000 representations and objections were received, and Planning Service asked the Planning Appeals Commission (PAC) to convene a Public Inquiry to consider the objections. The PAC is an independent body and is not part of the Department of the Environment but appointed by the Office of the First Minister and Deputy First Minister.

The BMAP Public Inquiry commenced in April 2007 and concluded in May 2008. The PAC is currently considering all the information before it prior to completing its report and making its recommendations to the Department.

The PAC had indicated a preliminary timescale for delivery of the remainder of the report to Planning Service as early summer 2010. However, in July 2010, the PAC stated that 'due to the number of objections and the scope and complexity of the issues they raise' they were unable to deliver the report in accordance with the timescale originally envisaged, and they now aim to present their report to the Department by the end of March 2011.

Upon receipt of the report, Planning Service will consider the PAC recommendations and will prepare the Plan for adoption. The final timescale for the adoption of BMAP will be dependent on a number of factors, including the nature of the recommendations contained in the PAC Report. Due to the scale of the task involved, it is anticipated that the Plan will be finally adopted in 2012.

Department of Finance and Personnel

Draft Health Budget

Mr A Easton asked the Minister of Finance and Personnel what co-operation has taken place to date between the Performance and Efficiency Unit and the Department of Health, Social Services and Public Safety, in relation to efficiencies in relation to the draft Health Budget.

(AQW 3573/11)

Minister of Finance and Personnel (Mr S Wilson): There has been no specific co-operation between PEDU and DHSSPS on the efficiencies required by the draft Health Budget.

However, on the broader topic of efficiencies, PEDU has commenced work on a Joint Efficiency Review with DHSSPS as agreed by the Executive as part of the outcome to the June Monitoring exercise. Following agreement on a Terms of Reference, work on the Efficiency Review commenced in January 2011. Stage one of the work is focusing on examining analysis in the recently published McKinsey Report.

As you can appreciate this is work in progress and it is too early to comment on detail at stage.

Overseas Training Courses for Staff

Mr T Burns asked the Minister of Finance and Personnel to detail (i) the number of training courses which members of staff from his Department have attended overseas in each of the last five years; (ii) the names of the course/purpose of the training; (iii) when the courses took place; (iv) the duration of each course; (v) how many members of staff took part in each course; (vi) the grade and branch of each member of staff who took part; (vii) in which country the courses took place (excluding the UK and Republic of Ireland); (viii) the cost of fees for each course and each individual attendee; (ix) the travel expenses incurred by each attendee of each course; (x) the accommodation costs incurred by each attendee of each course; and (xi) the specific name and location of places where each attendee stayed during their travel and attendance on each course.

(AQW 4121/11)

Minister of Finance and Personnel: The information requested is attached.

- (i) During the last 5 years, the number of training courses which members of staff from DFP have attended overseas is as follows:

- **2006** – 2 Courses (Total of 6 participants)

- **2007** – 3 Courses (Total of 6 participants)
- **2008** – 5 Courses (Total of 6 participants)
- **2009** – 2 Courses (Total of 3 participants)
- **2010** – 1 Course (Total of 1 participant)

(ii) The table below outlines the 5 different types of course attended, together with their purpose,

(iv) duration and

(vii) location.

Course Name	Purpose	Duration	Location
European Study Visit	To enhance and consolidate learning in relation to working with the European Institutions	5 days	Belgium
Leaders for Tomorrow	A north/south public/private leadership development programme for middle management level	3 weeks	USA
Leadership for a Democratic Society	An international leadership programme which addresses the active leadership role required of senior executives and the democratic values and beliefs that underpin leadership	4 weeks	USA
Leadership in a Changing World	A north/south and UK/Ireland leadership development programme for newly appointed Senior Civil Servants	6 days	USA
Financial Control 2007-2013	Staff member training as European Union Division is responsible for the oversight of Financial Control Systems and Procedures for EU Funding programmes in NI	2 days	Germany

- (iii) Dates of the course, (v) numbers attending, (vi) grade and branch of the individuals attending, (viii) (ix) (x) costs and (xi) specific accommodation details are as follows:

Course Name	Date of course	No. of staff	Grade	Branch	Course Fee	Travel Expenses	Accommodation cost and location
Leadership for a Democratic Society	2 – 28 April 2006	1	Grade 5	Finance Branch	£6912	£761	Accommodation included in Fees (Federal Executive Institute Charlottesville)
Leadership in a Changing World	26 November – 1 December 2006	5	Grade 5	Central Finance Group Central Finance Group Central Finance Group Departmental Solicitors Office Centre for Applied Learning	£4243 per person	£333 Estimated at: £300 £280 £362 Estimated at: £300	Accommodation included in Fees (Campus Accommodation, Harvard Business School)
Leaders for Tomorrow	14 January – 3 February 2007	2	SO Grade 7	Central Support Team Properties	£6368 per person	£427 per person	Accommodation included in Fees (Campus Accommodation, Harvard Business School)
Leadership for a Democratic Society	29 April – 25 May 2007	1	Grade 5	Central Procurement Directorate	£7250	Estimated at: £500	Accommodation included in Fees (Federal Executive Institute Charlottesville)

Course Name	Date of course	No. of staff	Grade	Branch	Course Fee	Travel Expenses	Accommodation cost and location
Leadership in a Changing World	4 – 9 November 2007	3	Grade 5	Central Finance Group Departmental Solicitors Office Land and Property Services	£3823 per person	£614 Estimated at: £600 Estimated at: £600	Accommodation included in Fees (Campus Accommodation, Harvard Business School)
European Study Visit	26 January - 1 February 2008	1	DP	Central Finance Group	£449	£86	Accommodation and transport in Belgium are inc in the fees. (Leuven Institute in Europe)
Leaders for Tomorrow	27 January – 14 February 2008	1	SO	Central Finance Group	£5817	£608	Accommodation included in Fees (Campus Accommodation, Harvard Business School)
Leadership for a Democratic Society	1 – 27 June 2008	1	Grade 5	Account NI	£8121	£262	Accommodation included in Fees (Federal Executive Institute Charlottesville)
Financial Control 2007-2013	16-17 June 2008	1	DP	CFG	€1010	N/K	Germany – No other information held.
Leadership in a Changing World	2 – 7 November 2008	2	Grade 5	Corporate HR Delivery and Innovation Division	£5375 per person	£458 £315	Accommodation included in Fees (Campus Accommodation, Harvard Business School)
Leaders for Tomorrow	18 January – 6 February 2009	2	DP DP	Central Finance Group Finance Branch	£7520 per person	£538 per person	Accommodation included in Fees (Campus Accommodation, Harvard Business School)

Course Name	Date of course	No. of staff	Grade	Branch	Course Fee	Travel Expenses	Accommodation cost and location
Leadership for a Democratic Society	27 September – 23 October 2009	1	Grade 5	Land and Property Services	£11359	Estimated at: £500	Accommodation included in Fees (Federal Executive Institute Charlottesville)
European Study Visit	22 – 26 March 2010	1	Grade 7	Corporate HR	£658	£190	Accommodation and transport in Belgium are inc in the fees. (Leuven Institute in Europe)

Electricity Costs

Mr J Spratt asked the Minister of Finance and Personnel how much his Department and its arms-length bodies have spent on electricity in each of the last three available financial years.

(AQW 4429/11)

Minister of Finance and Personnel: The Department of Finance and Personnel and its arms-length bodies have spent the following on electricity in each of the last three available financial years.

2007/08	£2,339,303
2008/09	£3,159,037
2009/10	£2,306,389

Departmental Priorities

Mr D McNarry asked the Minister of Finance and Personnel what steps he is taking to ensure that individual departmental priorities are balanced against the priorities of Northern Ireland as a whole.

(AQW 4474/11)

Minister of Finance and Personnel: The draft budget position was predicated on some key over-arching priorities such as the need to protect funding for the provision of health services and promoting economic growth and skills enhancement. Allocations to these priorities therefore transcended individual departmental priorities. Allocations beyond these over-arching priorities were made in correlation with departmental assessments of their individual priorities.

Civil Servants: Meetings

Mr D McNarry asked the Minister of Finance and Personnel what plans he has to restrict the number of journeys to other countries made by civil servants to attend meetings when the meeting could be conducted by video-conferencing.

(AQW 4476/11)

Minister of Finance and Personnel: The Northern Ireland Civil Service has a number of video-conferencing units which are used to reduce travel costs, both within Northern Ireland and to other countries. Video-conferencing is also used for internal meetings and conferences throughout the NICS.

The new travel contract which began on 1st November 2010, requires civil servants to consider the use of video-conferencing as a viable alternative to any official travel to other countries.

INTERREG IVA

Mr P Callaghan asked the Minister of Finance and Personnel when applications for funding for tourism projects under INTERREG IVA will be accepted.

(AQW 4513/11)

Minister of Finance and Personnel: The Tourism sub-priority of the INTERREG IVA Programme has a budget of some £28 million of which more than half has already been allocated.

Although applications are not currently being accepted, a further call for tourism projects should be announced shortly.

Government Assets

Mr G Savage asked the Minister of Finance and Personnel what Government assets will be put up for sale in the near future.

(AQW 4522/11)

Minister of Finance and Personnel: The draft Budget identified planned capital receipts worth £447 million over the 2011-2015 period. In addition to these receipts already identified by departments, the Executive decided to task OFMDFM's Central Asset Management Unit with identifying another £100 million worth of capital receipts over the four year Budget period. The profile of these additional receipts is £10 million / £15 million / £25 million / £50 million. The generation of these additional receipts are skewed towards the latter part of the 2011-2015 period.

The table attached shows the £447 million of planned receipts by department.

Table: Planned Capital Receipts - £million

Department	2011-12	2012-13	2013-14	2014-15
AOCC	-	-	-	-
DARD	-	-	-	-
DCAL	-2.2	-	-	-
DE	-1.0	-0.7	-0.7	-
DEL	-3.5	-4.0	-	-
DETI	-4.0	-5.0	-5.0	-5.0
DFP	-	-	-	-
DHSSPS	-	-	-	-
DOE	-	-	-	-
DOJ	-1.8	-2.0	-2.5	-7.6
DRD	-5.0	-	-	-
DSD	-109.1	-101.4	-96.0	-91.0
FSA	-	-	-	-
NIA	-	-	-	-
NIAO	-	-	-	-
NIAUR	-	-	-	-
OFMDFM	-	-	-	-
PPS	-	-	-	-
Total Receipts	-126.6	-113.1	-104.1	-103.5

Totals may not add due to roundings

Dwellings Valued for Rating Purposes

Mr P J Bradley asked the Minister of Finance and Personnel for his assessment of the number of dwellings which have yet to be valued for rating purposes.

(AQW 4581/11)

Minister of Finance and Personnel: District Valuers within Land & Property Services (LPS) aim to value all new houses and enter these in the Valuation List as soon as a property is capable of occupation. As at 31st January 2011 LPS had 2,357 active cases, which involve the valuation for rating purposes of new dwellings, registered in LPS' systems and scheduled for inspection. If the properties are complete, they will be valued and entered in to the Valuation List. Recent LPS inspections have shown that many of these properties are not yet complete.

Dwellings Valued for Rating Purposes

Mr P J Bradley asked the Minister of Finance and Personnel whether he will offer an amnesty for home owners whose properties have not been valued for rating purposes for a number of years.

(AQW 4582/11)

Minister of Finance and Personnel: Rating legislation does not contain provision for an amnesty for ratepayers; rates are due for the period that a domestic property is occupied. This is an essential component of the equity of the rating system.

I am, however, mindful of the difficulties that a backdated rate bill can cause ratepayers; Land & Property Services, therefore, seeks to work with ratepayers to agree extended payment arrangements where this is appropriate and helpful.

Appointments to Public Bodies and Arm's-Length Bodies

Mr G Campbell asked the Minister of Finance and Personnel to detail the number and names of individuals that have been appointed to (i) public bodies; and (ii) arms-length bodies since May 2007.

(AQW 4585/11)

Minister of Finance and Personnel:

20 individuals have been appointed to public bodies in the Department of Finance and Personnel since May 2007. No individuals have been appointed to arms-length bodies during that time.

The names of those appointed to public bodies are detailed below.

Mr Alan Beggs	Mr David Blevings
Mr Bill Cargo	Mr David Crowe
Mr Michael Dorrian	Mrs Esther Ervin
Mr Jonathan Hayes	Mr Kenneth Hunter
Ms Aisling Irvine	Mr Raymond Irvine
Professor David Jones	Mr David Little
Mr Alan Macklin	Mrs Joan McCoy
Mr Philip McDonagh	Mr Patrick O'Hagan
Mr Lawrence Power	Mr Alan Rainey
Mr Richard Rodgers	Mr Donal Rogan

Small Business Rates Relief Scheme

Mr P McGlone asked the Minister of Finance and Personnel what consideration has been given to changing the criteria for Small Business Rates Relief for small businesses that have a low turnover but are exempt from any relief due to Land and Property Services' valuation of their property.

(AQW 4609/11)

Minister of Finance and Personnel: The Small Business Rates Relief Scheme, introduced in April 2009, is an automatic scheme, which uses net annual value (NAV) to establish eligibility. The automatic award of this relief was something the business community was particularly keen to see in the Northern Ireland scheme and using NAV was the only practicable way this could be done, which is in line with the approach taken elsewhere in the UK.

You have raised the issue of awarding relief to those beyond the valuation thresholds on the basis of low business turnover. This poses a number of serious difficulties.

Turnover is difficult to verify, varies from year to year and would require individual businesses to lodge annual returns or make annual applications for relief. Furthermore, many would question the use of turnover on the basis that profit, expressed as a percentage of turnover, differs not only from sector to sector, but also from product to product within particular sectors. Any such move would also remove some of the main strengths of business rates, of being visible and stable, which would be lost if eligibility for the scheme were linked to business turnover.

Consideration can be given to extending the scheme in the future by increasing the valuation limits but this poses major issues of affordability. The current scheme costs up to £8m a year and helps up to 20,000 of our smaller business. Any increase in the levels would directly affect our spending ability in terms funding the health service, our schools, roads and so on.

It must not be forgotten that the Executive has been highly proactive in assisting the wider business community with rates. This includes a freeze in the non domestic regional rate as well as a planned freeze in rates in real terms over the next four years, helping all businesses irrespective of size. In addition, it is planned to hold manufacturing rates at 30% rates while full rating liability on unoccupied commercial properties remains at 50%. Together with the small business rate relief scheme these are some of the most generous measures in the UK and affirm the Executive's commitment to put the economy first and help businesses.

Draft Budget 2011-15 Consultation

Mr P Butler asked the Minister of Finance and Personnel to list all the bodies and organisations who responded to the draft Budget 2011-15 consultation.

(AQW 4632/11)

Minister of Finance and Personnel: Due to the high volume of responses, numbering in their thousands, this information is not yet available. My officials are working through the responses received and will be publishing lists of those who responded through the website as soon as possible. Some individuals and organisations have requested that their details are not released and I will of course respect their wishes on this.

In addition, individual departments will have received consultation responses and it will be for them to decide on the publication of the respondents details. A summary of the consultation information will be used to inform the revised Budget process.

NI Water

Mr D O'Loan asked the Minister of Finance and Personnel to outline the financial implications to the Executive, under Treasury or other rules, of the proposal by the Minister for Regional Development to bring N.I. Water back into the Department.

(AQW 4643/11)

Minister of Finance and Personnel: A number of classification and accounting issues would need to be reassessed by DRD if NI Water is to cease being a GOC and become either an NDPB or Government Agency. I will however need to wait until the DRD Minister puts forward detailed proposals before I can properly assess the cost of changing the status of NI Water.

Future Status of NI Water

Lord Empey asked the Minister of Finance and Personnel (i) what discussions he has had with the Minister for Regional Development in the last twelve months on the future status of NI Water; (ii) what was the outcome of these discussions; and (iii) whether any provision has been made in the Budget 2011-15 for liability arising from potential demands from the Treasury for VAT or capital depreciation.

(AQW 4677/11)

Minister of Finance and Personnel: I have had no specific discussions with the Minister for Regional Development on the future status of NI Water. The Minister for Regional Development has indicated in

meetings, such as the draft Budget Bilateral on 30 November 2010, that he intended to bring forward proposals to change the status of NI Water to bring it into a closer relationship with his Department. The details of the proposals were not discussed.

With regard to the allocations in the draft Budget 2011-15, it is for departmental Ministers to decide how to use the funds that they have available. Therefore the question of provision for VAT liability and depreciation costs is a matter that should be raised with the Minister for Regional Development.

Department of Health, Social Services and Public Safety

Legal Services

Mr P McGlone asked the Minister of Health, Social Services and Public Safety how much his Department and its agencies paid for legal services in each of the last five years; and to detail the firms engaged.

(AQW 1501/11)

Minister of Health, Social Services and Public Safety (Mr M McGimpsey): The table below shows expenditure on legal services for the Core Department and its Executive Agencies over the last five years. Expenditure in each year varies as it is dependent on the legal advice that is required.

2005/06 (£)	2006/07 (£)	2007/08 (£)	2008/09 (£)	2009/10 (£)
351,732	236,259	543,584	487,084	463,138

Firms engaged in 2009/10 are shown below. Due to changes in financial systems, it is not possible to readily extract details of firms engaged prior to 2009/10 from the legacy financial systems. Therefore this information cannot be provided due to the disproportionate cost.

FIRMS ENGAGED IN 2009/10

BOYD RICE & CO
CROWN SOLICITORS OFFICE
DEPARTMENTAL SOLICITORS OFFICE
DEPARTMENT OF FINANCE AND PERSONNEL
DOHERTY DESMOND J SOLICITORS
E & L KENNEDY SOLICITORS
FRANCIS ROBERT MR QC
HUNTER ASSOCIATES SOLICITORS
JAMES T JOHNSTON & CO SOLICITORS
JONES & CO
KROLL ONTRACK LEGAL TECHNOLOGIES
MCARDLE EAMONN
MCBRIDE DENISE
MCCARTAN TURKINGTON & BREEN SOLICITORS
O'DONOGHUE FRANK QC

O'HARA JOHN QC
PETERS & PETERS
REYNOLDS PORTER CHAMBERLAIN
STRATFORD JEMIMA MISS
WOLFE MARTIN

New Fire Station and Area Headquarters

Mr M Storey asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 771/11, to detail the results of the feasibility study on a potential site for a new Fire Station and Area Headquarters.

(AQW 1533/11)

Minister of Health, Social Services and Public Safety: HLM Architects has recently completed a feasibility study on Council owned land at Antrim Road, Ballymena, on behalf of the Northern Ireland Fire and Rescue Service (NIFRS).

This study consisted of a site analysis, which examined the location, site boundaries, existing and adjoining site structures as well as topographical and geotechnical surveys of the proposed site. It also included an analysis on access to the site and the potential traffic impact of the proposal.

I understand that the outcome of the study was positive and that the NIFRS has now proceeded to outline planning application stage. The next stage will be the development of a Business Case for submission to my Department.

Northern Health and Social Care Trust: Senior Managers

Mr A Easton asked the Minister of Health, Social Services and Public Safety how many senior managers are there currently working for the Northern Health and Social Care Trust.

(AQW 2004/11)

Minister of Health, Social Services and Public Safety: The information requested is given in the table below.

NUMBER OF STAFF EMPLOYED IN THE NORTHERN TRUST AS SENIOR MANAGERS¹ AS AT SEPTEMBER 2010

	Headcount	WTE ²
Staff employed at Payband 8A- 8D	311	275.89

Source: Northern HSC Trust

Notes:

1. The Northern HSC Trust has defined 'Senior Manager' as all staff employed at Payband 8A-8D. This will include not only staff with a direct managerial role, but will also include some staff with a clinical role and some staff with a professional role who may not have direct line management responsibilities.
2. WTE = Whole-time Equivalent.

Alcohol Hand Gels in Hospitals

Mr J Craig asked the Minister of Health, Social Services and Public Safety how much it cost each Health and Social Care Trust to maintain and replace alcohol hand gels in hospitals in each of the last three years.

(AQW 2764/11)

Minister of Health, Social Services and Public Safety: The information requested is not readily available and could only be provided at disproportionate cost.

Health and Social Care Trusts continue to promote good hand hygiene amongst patients, staff and visitors as part of infection control measures which, in the three years since 2007, has seen *C. difficile* cases come down by 54% and MRSA cases come down by 44%. .

Blanket Ban on the Hiring of Agency Staff

Mr J Craig asked the Minister of Health, Social Services and Public Safety whether a blanket ban has been placed on the hiring of agency staff by each Health and Social Care Trust; and how this is affecting service delivery.

(AQW 2765/11)

Minister of Health, Social Services and Public Safety: There is no blanket ban on the use of agency staff in the Health and Social Care. In light of budget constraints I have asked Health and Social Care organisations to look at alternative arrangements when providing emergency cover in order to achieve savings. In the longer term this may impact on service delivery.

Antidepressant Medication

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety how many patients in each Health and Social Care Trust have been prescribed antidepressant medication in the last twelve months, broken down by the age of the patient; and how many of these patients have been referred for counselling services in the statutory, voluntary or community sector.

(AQW 3089/11)

Minister of Health, Social Services and Public Safety: The number of patients for whom antidepressants were prescribed and dispensed between October 2009 and September 2010 is shown in the table below, broken down by Health and Social Care Trust and age of the patient.

Figures relate to prescriptions for anti-depressants which were dispensed by a community pharmacist or dispensing doctor, and presented for payment during the period. The data provided only covers drugs dispensed in primary care, as drugs prescribed and dispensed in hospital cannot be captured centrally due to the use of different hospital IT systems.

It should be noted that antidepressant medication may be prescribed for reasons other than depression - certain antidepressants can be prescribed for pain relief, anorexia and bulimia. Information on the number of patients who have been referred for counselling is not available.

TABLE 1: NUMBER OF PATIENTS¹ FOR WHOM ANTIDEPRESSANTS WERE PRESCRIBED AND DISPENSED² BETWEEN OCTOBER 2009 AND SEPTEMBER 2010 BY HSC TRUST³ AND AGE BAND.

Age Band	HSC Trust				
	Belfast	Northern	South Eastern	Southern	Western
0-19	1080	961	768	756	663
20-24	2797	2353	1790	1847	1538
25-29	3422	3112	2300	2394	2203
30-34	3640	3862	2851	2992	2690
35-39	4173	5281	3686	4032	3554
40-44	5441	6320	4599	5104	4143
45-49	6189	6653	5023	5120	4427

Age Band	HSC Trust				
	Belfast	Northern	South Eastern	Southern	Western
50-54	5722	6095	4522	4848	4210
55-59	4660	5309	4078	4307	3905
60-64	4102	5029	3950	4015	3460
65-69	3310	4078	3146	3232	2523
70-74	2680	3203	2194	2466	1817
75-79	2235	2611	1893	1979	1375
80-84	1737	2095	1602	1544	1050
85+	1656	1984	1643	1433	920
Grand Total	52844	58946	44045	46069	38478

Source: Family Practitioner Services, Information and Registration Unit, BSO.

Notes:

- 1 Counts refer to distinct patients - patients may have had multiple items within the period but have only been counted once in the table.
- 2 Analysis relates to 89% of dispensed antidepressant items where patient details were available.
- 3 Figures exclude patients that could not be assigned to a HSC Trust area based on their postcode.

Legal Fees

Mr P McGlone asked the Minister of Health, Social Services and Public Safety how much was spent on legal fees by each of the Health and Social Care Trusts, and their predecessors, in each of the last five years.

(AQW 3160/11)

Minister of Health, Social Services and Public Safety: Legal costs for the years 2005 to 2010 have been provided by the Directorate of Legal Services and are set out below.]

COST OF ALL LEGAL FEES (£S)

Trust	Year				
	2005/06	2006/07	2007/08	2008/09	2009/10
Belfast HSC	888,651	643,259	891,527	1,648,304	1,905,822
Northern HSC	903,093	1,046,148	1,166,423	1,003,450	1,283,307
Southern HSC	853,297	672,377	849,212	802,692	958,813
South Eastern HSC	216,297	467,660	855,921	896,121	1,094,212
Western HSC	912,750	937,976	1,050,055	1,214,300	971,317
NI Ambulance HSC	116,290	139,429	75,211	69,693	56,542

Notes:

1. The above shows only the direct costs of legal services to the HSC organisation. It does not include the 3rd Party Solicitor Costs or the damages costs paid from the Central Medical Negligence Fund.
2. The information relates only to cases managed by the Directorate of Legal Services. It does not include information on cases prior to 2008 carried out by other legal providers.

Regional MS Respite Centre at Dalriada Hospital, Ballycastle

Mr M Storey asked the Minister of Health, Social Services and Public Safety to outline his Department's plans for the continued provision of Multiple Sclerosis services at the Regional MS Respite Centre at Dalriada Hospital, Ballycastle.

(AQW 3590/11)

Minister of Health, Social Services and Public Safety: The Northern Health and Social Care Trust is committed to sustaining respite care and has no plans to change services at Dalriada Hospital in North Antrim, for Multiple Sclerosis respite or for other services. The Trust has sought initial views from existing MS respite service users on future service provision, and any plans for changes in service provisions will follow discussions with those who use services.

Multiple Sclerosis Services in North Antrim

Mr M Storey asked the Minister of Health, Social Services and Public Safety, in light of his budget allocation, to outline his Department's plans for the continued provision of Multiple Sclerosis services in North Antrim.

(AQW 3591/11)

Minister of Health, Social Services and Public Safety: The Northern Health and Social Care Trust is committed to sustaining respite care and has no plans to change services at Dalriada Hospital in North Antrim, for Multiple Sclerosis respite or for other services. The Trust has sought initial views from existing MS respite service users on future service provision, and any plans for changes in service provisions will follow discussions with those who use services.

Vacant Consultant Posts

Mr T Gallagher asked the Minister of Health, Social Services and Public Safety to detail the total number of (i) approved consultant posts; (ii) consultant posts currently vacant in each Health and Social Care Trust.

(AQW 3735/11)

Minister of Health, Social Services and Public Safety: The funded establishment whole-time equivalent (WTE) of Consultant posts by Trust and the number of Consultant Vacancies are given in the tables below:

FUNDED ESTABLISHMENT WHOLE-TIME EQUIVALENT OF CONSULTANT POSTS BY TRUST AS AT 30TH SEPTEMBER 2010

HSC Trust	WTE
Belfast	584.10
Northern	195.38
South Eastern	183.51
Southern	178.49
Western	200.73
Total	1,342.21

Source: NI HSC Trusts

Notes:

1. WTE = Whole-Time Equivalent.
2. Belfast figure excludes 30.96 WTE Joint Appointments with Queen's University Belfast.

NUMBER OF CONSULTANT VACANCIES BY TRUST AS AT 30TH SEPTEMBER 2010

HSC Trust	Current Vacancies	
	Headcount	WTE
Belfast	35	34.60
Northern	2	2.00
South Eastern	1	1.00
Southern	7	6.85
Western	25	25.00
Total	70	69.45

Source: NI HSC Vacancy Survey ~ NI HSC Trusts

Notes:

1. WTE = Whole-Time Equivalent
2. Information on vacancies within the Northern Ireland Health & Social Care is collected bi-annually (as at 31st March and 30th September) by means of a survey. The September 2010 data is the latest available and is published on the DHSSPS website and can be found at: http://www.dhsspsni.gov.uk/vacancy_survey_september_2010_web_report.pdf
3. A current vacancy is a post which at 30th September 2010, the organisation was actively trying to fill. Note that these posts do not have to be unoccupied.

Outstanding Answers

Mr P McGlone asked the Minister of Health, Social Services and Public Safety when he will provide answers to (i) AQW 1501/11; and (ii) AQW 3160/11, given that they were submitted on 19 October 2010 and 16 December 2010 respectively.

(AQW 3819/11)

Minister of Health, Social Services and Public Safety: Answers have been provided to these Assembly Questions.

Investigation into Suspicious Deaths or Injury of Patients

Mr W Irwin asked the Minister of Health, Social Services and Public Safety whether consultants or other health professionals, who have retired or moved to other posts, are recalled to give evidence in the event of an investigation into the suspicious death or injury of a patient who was previously in their care.

(AQW 3937/11)

Minister of Health, Social Services and Public Safety: All suspicious deaths are referred to the Coroner for investigation. The Coroner has power to summon witnesses under the Coroners Act 1959.

Health and Social Care Trusts request all relevant parties, including those who have retired or moved to other posts, to provide information and co-operate with any internal investigation relating to a patient or client who was previously in their care. Trusts have no powers to compel individuals in this regard.

Regional Access Criteria

Mr F Molloy asked the Minister of Health, Social Services and Public Safety whether the Western Health and Social Care Trust is operating a panel system to determine if assessed needs are met using the Regional Access Criteria.

(AQW 4225/11)

Minister of Health, Social Services and Public Safety: The Western Trust has advised that a Domiciliary Care Access Panel was established in May 2009 tasked with scrutinising requests for new domiciliary care packages against Regional Access Criteria to ensure consistency of application and resource allocation.

The operation of the panel does not in any way delay or prevent the delivery of care and support for clients where professional staff have assessed a client as falling within the critical or substantial risk categories as described within the Regional Access Criteria.

More widely speaking, however, I am aware that Trusts are experiencing difficulty in meeting demand for services. Budget proposals to reduce resources for domiciliary care will have an immediate, severe impact on the ability of HSC Trusts to meet the needs of vulnerable people.

Kidney Transplants

Lord Morrow asked the Minister of Health, Social Services and Public Safety, pursuant to AQW3617/11, how many of the kidney transplants were successful; and whether there is any evidence to show greater success levels in either category of donor.

(AQW 4242/11)

Minister of Health, Social Services and Public Safety: The number of transplants, including the number that failed within a year of transplantation, for the past three years available are:

	2007/08		2008/09		2009/10	
	No. performed	No. failed	No. performed	No. failed	No. performed	No. failed
Kidney (deceased)	35	1	31	1	42	1
Kidney (live)	11	1	10	0	21	0

Source: Belfast HSC Trust

The number of transplant procedures in this three-year period in Belfast is too small to decide whether or not live donor transplantation is more successful than deceased donor transplantation. However, there is ample clinical evidence available to show that those who receive a live donor kidney survive longer than those who receive a deceased donor kidney. For example, for those transplanted in the UK between 1996 and 1998, the chances of being alive 10 years later was 89% in the live donor group versus 71% in the deceased donor group (source: NHS Blood and Transplant).

Neuro-Physiotherapists

Mr A Ross asked the Minister of Health, Social Services and Public Safety how many neuro-physiotherapists, who work solely to provide treatment and care in an out-patient setting for people with progressive neurological conditions, are funded by each Health and Social Care Trust.

(AQW 4243/11)

Minister of Health, Social Services and Public Safety: The information requested is given in the table below.

Number of Neurophysiotherapists Providing Treatment in an Outpatient Only Setting for People with Progressive Neurological Conditions employed within the NI HSC Trusts as at February 2011.

HSC Trust	Headcount	WTE
Belfast	1	1.00
Northern	2	1.40

HSC Trust	Headcount	WTE
South Eastern	0	0.00
Southern	0	0.00
Western	0	0.00
Total	3	2.40

Source: NI HSC Trusts

Notes:

1. WTE = Whole-Time Equivalent
2. Physiotherapists with neuro-disability skills provide services to people with a wide variety of neurological conditions across all Health and Social Care Trusts, however these services are provided within a variety of settings, not solely within an outpatient setting.

Consultation Documents

Mr P J Bradley asked the Minister of Health, Social Services and Public Safety to list the number and titles of all the consultation documents issued by his Department since May 2007.

(AQW 4248/11)

Minister of Health, Social Services and Public Safety: The Department of Health, Social Services and Public Safety issued 93 documents for public consultation since May 2007. The title of each of these consultation documents is included in the attached list.

Title
2007
Consultation on Outcomes of DHSSPS Screening Exercises 2006/2007
Care Matters in Northern Ireland
Barring Consultation: Implementing the Safeguarding Vulnerable Groups Act 2006 and the NI Order 2007
Disability Action Plan Consultation
Code of Practice on protecting the Confidentiality of Service User Information
Consultation on the findings of the GMS Global Sum Formula Review for Northern Ireland
Transformation of Business Services in Health and Social Care - Shared Services
2008
National Statistics consultation on proposals for changing the methodology used for the production of inpatient waiting time information in Northern Ireland.
Minimum Age of Sale of Tobacco Products
Consultation on the Independent Safeguarding Authority Scheme
Improving Stroke Services In Northern Ireland
Guiding Principles for the production of Hospital Visiting Policies
Proposals For Health and Social Care Reform Consultation
National Statistics consultation on proposals for changing the methodology used for the production of outpatient activity information in Northern Ireland.

Title
Performers List System for General Medical Practitioners
The Future of Tobacco Control
Proposed changes to the Regional Capitation Formula
Guidelines on the Termination of Pregnancy: The Law and Clinical Practice in Northern Ireland
Service Framework for Cardiovascular Health and Wellbeing
Delivering the Bamford Vision – The Response of the NI Executive to the Bamford Review of Mental Health and Learning Disability
Guidelines for Maternity Services Liaison Committee
Improving Governance of Controlled Drugs
Responsible Officers Consultation
Suspension of Non Executives from Health Bodies
Consultation on Outcomes of DHSSPS Equality Screening Exercises 2007/2008
Draft Voluntary Adoption Agencies Regulations (Northern Ireland)
ASD Strategic Action Plan 2008/09 - 2010/11
2009
Reform of Medical Advisory Structures
A Review of Publicly Funded Fertility Services in Northern Ireland
Personality Disorder: A Diagnosis For Inclusion - The Northern Ireland Personality Disorder Strategy
The future of the healthcare science workforce - Modernising scientific careers: the next steps
A Workforce Learning Strategy for the Northern Ireland Health and Social Care Services 2009 - 2014
Strategy for Health and Social Care Bereavement Services in Northern Ireland
A Strategy for the Development of Psychological Therapy Services
A Legislative Framework for Mental Capacity and Mental Health Legislation in Northern Ireland
Service Framework for Respiratory Health and Wellbeing
Consultation on the draft Fire Safety Regulations
The Controlled Drugs (Supervision of Management & Use) Regs NI 2009
Review and Modernisation of Supplement for Undergraduate Medical and Dental Education (SUMDE)
Acquired Brain Injury (ABI) Review and Action Plan
National Statistics consultation on proposals for changing the methodology used for the production of completed inpatient and outpatient waiting time information in Northern Ireland.
Consultation on Draft Regional Standards for Leaving Care Services
Consultation on the Ionising Radiation (Medical Exposure)(Amendment) Regulations (Northern Ireland) 2009
Governance arrangements for research ethics committees (GAfREC)
Regional Review of Residential Child Care Services

Title
Guidance accompanying Criminal Justice and Immigration Act 2008 provisions to deal with nuisance and disturbance behaviour on HSC premises in Northern Ireland
Review of Health Visiting and School Nursing
Vetting requirements in adoption, fostering and private fostering
Introduction of Compulsory Registration for Social Care Workers With The Northern Ireland Social Care Council
A joint consultation on the Report to Ministers from the DH Steering Group on the Statutory Regulation of Practitioners of Acupuncture, Herbal Medicine, Traditional Chinese Medicine and Other Traditional Medicine Systems Practised in the UK
Consultation on Outcome of DHSSPS Equality Screening Exercises 2008/2009
Targeted Consultation On The Agreed Cross Agency Information Sharing Standards & Criteria When Working With Families & Children In Northern Ireland (Known As The Information Sharing Agreement)
2010
Consultations on Paediatric Surgery Improvement Policies
Service Framework for Cancer Prevention, Treatment and Care
Consultation on the role of responsible officers: Closing the gap in medical regulation
Consultation on the Regulation of the Sunbed Industry in Northern Ireland
Palliative Care End of Life Strategy Consultation document
Guidance on HSC patients who wish to pay for additional private care
Proposals to Strengthen Sanctions Against Retailers Who Sell Tobacco Products To Children and Young People Under 18 Years Of Age
Nursing & Midwifery Strategy
Consultation on the Review of the Prescribing Formula
Joint Appointments Consultation
National Statistics consultation on proposals for changing (i) the methodology and source of data used to collect and compile official inpatient and day case admission information in Northern Ireland and (ii) the format and content of the annual publication entitled 'Hospital Statistics'.
Consultation on Draft Standards for Kinship Foster Carers in Northern Ireland 2010
Public consultation on the continuing need for a controlled activity category in the Vetting and Barring Scheme
Consultation on Improving Dementia Services in Northern Ireland - A Regional Strategy
Mental Health Nursing Framework
Consultation on draft Fire and Rescue Services (Emergencies) (NI) Order
Draft Standards for young adults supported accommodation projects in Northern Ireland
A 10 Year Strategy for Social Work in Northern Ireland: 2010 - 2020
Draft Independent Healthcare Amendment Regulations
Consultation - Guidance on the Termination of Pregnancy: The Law and Clinical Practice in Northern Ireland

Title
Consultation on an Equality Impact Assessment for new Mental Capacity Legislation
Consultation on outcomes of DHSSPS Equality Screening Exercises 2009/2010
Legal Issues Relevant to Donation After Cardiac Death (Non-Heart-Beating Organ Donation)
Speech, Language and Communication Therapy Action Plan: Improving Services for Children and Young People 2010/11 - 2011/12
Consultation on draft tobacco control regulations removing displays of tobacco products at point of sale and banning sales of tobacco products from vending machines
Skin Cancer Prevention Strategy and Action Plan 2010-2020
Consultation on the Next steps for Healthy start
2011
Consultation on A Fitter Future For All: An Obesity Prevention Framework for Northern Ireland 2011-2021
Promoting Good Nutrition
Consultation Paper on The Draft Budget 2011 – 15: Settlement And Proposals
Consultation Paper on the Review of Death Certification in Northern Ireland
Review of Development Needs for Pharmaceutical Staff in Hospitals
Invitation to comment on Good Management Good Records
A new value-based approach to pricing of branded medicines
Service Framework for Mental Health and Wellbeing
Consultation on the DHSSPS Equality Scheme
Consultation on DHSSPS Personal and Public Involvement Consultation Scheme
Quality 2020 - A 10-year Quality Strategy for health and social care in Northern Ireland
Physical and Sensory Disability Strategy - A Consultation Document - 2011-2015
Tobacco Control Strategy for NI 2011
Consultation on the DHSSPS draft Equality Action Plan

Call-out of Fire Service Personnel to a House in Portadown

Mr S Anderson asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 3967/11, to detail (i) the cost of a retained member of the Fire and Rescue Service staff; (ii) the cost of a retained member of staff on a public holiday; (iii) the number of (a) full-time; and (b) retained Fire and Rescue staff in the crew which was called to Portadown on 26 December 2010; and (iv) why a retained tender and crew were deemed necessary.

(AQW 4252/11)

Minister of Health, Social Services and Public Safety:

- (i) Retained firefighters' rates of pay are shown in the table below.

RATES OF PAY – RETAINED FIREFIGHTERS

Role	Attendance at Incident		Standby £
	First Hour £	Each Subsequent Hour £	
Watch Commander	18.69	14.99	11.20
Crew Commander	17.98	14.28	10.84
Firefighter	16.58	12.88	10.14

- (ii) Retained Duty staff are paid at double time rates on designated public holidays; these include Boxing Day.
- (iii) (a) Five wholetime firefighters
(b) Six retained firefighters and six on standby.
- (iv) The wholetime crew attended the incident referred to in AQW 3967/11 on 26 December 2010; while that incident was being dealt with a retained crew of six firefighters was mobilised to attend a different incident in Portadown and a second crew of six retained firefighters was placed on standby.

Health and Social Care Staff: Attending Conferences

Lord Morrow asked the Minister of Health, Social Services and Public Safety to detail the cost of sending Health and Social Care staff to conferences in (i) Northern Ireland; (ii) the Republic of Ireland; and (iii) the rest of the world, in each of the last three years.

(AQW 4259/11)

Minister of Health, Social Services and Public Safety: My Department does not collect this information centrally. It is primarily the responsibility of individual health and social care organisations to administer and fund conferences, including those taking place outside Northern Ireland, taking full account of guidance on travel issued by the Department.

Hospital-Acquired Infections

Lord Morrow asked the Minister of Health, Social Services and Public Safety to detail the current number of cases of hospital acquired infections in each Health and Social Care Trust, broken down type of infection.

(AQW 4262/11)

Minister of Health, Social Services and Public Safety: The information requested is not readily available and could only be provided at disproportionate cost.

Budget for Domiciliary Care

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety (i) when the budget for domiciliary care will be determined; (ii) what that budget is likely to be; and (iii) to detail the domiciliary care budget for each year since 2007.

(AQW 4264/11)

Minister of Health, Social Services and Public Safety: Budgets for domiciliary care are not set by my Department. The responsibility for allocating this budget rests with the Health and Social Care Board, which, in its role as Commissioner, is given the flexibility to purchase services across a range of social care solutions to meet identified needs.

Actual expenditure on domiciliary care services amounted to £200.0 million in 2009/10, £185.6 million in 2008/09 and £170.7 million in 2007/08.

Research and Development

Mr C Lyttle asked the Minister of Health, Social Services and Public Safety how much his Department spent on research and development in each of the last five years.

(AQW 4284/11)

Minister of Health, Social Services and Public Safety: The amount spent on Research and Development by my Department for each of the last five financial years was as follows:

	2005-06	2006-07	2007-08	2008-09	2009-10
Research and Development	£1,306,027	£1,378,696	£880,227	£667,157	£1,247,150

Display of Cigarettes in Shops

Mr A Ross asked the Minister of Health, Social Services and Public Safety whether he still proposes to ban the display of cigarettes in shops; and if so, when he expects this change in the law to be implemented.

(AQW 4290/11)

Minister of Health, Social Services and Public Safety: It remains my intention to introduce legislation banning the display of tobacco products at point of sale in retail outlets as soon as possible. The aim of this new legislation is to discourage children and young people from taking up the smoking habit and to create a supportive environment for people who want to quit.

Public consultation on draft regulations proposing a ban on the display of tobacco products at point of sale ended on 24 December 2010. While the draft regulations proposed an introductory date of 1 July 2011, I have previously stated that no final decision on the timing would be taken until the consultation responses had been analysed. This process is currently underway, however, given that over 1,000 responses have been received; this will take some weeks to complete.

Occupational Therapy Services

Mr P Weir asked the Minister of Health, Social Services and Public Safety for his assessment of the audit of Occupational Therapy services which was carried out in 2008.

(AQW 4296/11)

Minister of Health, Social Services and Public Safety: The Value for Money Audits are a vital tool to ensure that the full benefits of an appropriately structured programme are realised across the HSC. The VFM Audit for occupational therapists was carried out along side similar audits for speech and language therapists and physiotherapists.

My Department is committed to addressing all the recommendations arising from each of the Value for Money Audit programmes. Some of the recommendations from the OT report have already been action via other processes. Others, of a strategic nature, will be addressed in the Allied Health Professions Strategy which is currently under development. The AHP Strategy will be launched later this year after consultation with key stakeholders.

Blood Tests Used to Detect Bowel and Stomach Cancer

Mr P Weir asked the Minister of Health, Social Services and Public Safety for his assessment of the blood tests used to detect bowel and stomach cancer in countries such as Germany and Belgium.

(AQW 4302/11)

Minister of Health, Social Services and Public Safety: I am aware that studies by teams of scientists in Germany and Belgium have identified blood tests which have the potential to detect gastrointestinal cancers. However those studies are still at the research stage, the expert advice at both national and

European level is that only those tests for which an evidence base exists should be used in screening programmes.

To date, the faecal occult blood test (FOBT) for men and women aged 50–74 years has been recommended for colorectal cancer screening. The Northern Ireland bowel cancer screening programmes uses the FOB test, an approach consistent with the advice issued by the National Screening Committee.

Accident and Emergency Services at the Downe Hospital

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety to outline the result of the Equality Impact Assessment carried out by his Department on the decision to withdraw night-time consultant-led accident and emergency services at the Downe Hospital.

(AQW 4304/11)

Minister of Health, Social Services and Public Safety: The service changes to the emergency department at the Downe Hospital are part of the South Eastern Health and Social Care Trust's proposals for urgent care in the Trust area. The Trust carried out an equality screening exercise to assess the impact of the proposal. It was considered to have a low impact in relation to equality and human rights, given that over 97% of appropriate patients will continue to be managed on the hospital site. The Trust is committed to carrying out ongoing screening of this proposal.

Further detail can be found in the Trust's consultation document 'Proposals for a Safe and Sustainable Urgent Care Network in the South Eastern Trust (including a proposal to change the Emergency Department at the Downe Hospital)' available on the Trust's website at www.setrust.hscni.net/involving/reference/Urgent%20Care%20Proposal%20-%2024%20Nov%2010.pdf.

Acute Inpatient Psychiatric Services

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety to outline the result of the Equality Impact Assessment carried out by his Department on the decision to re-locate acute inpatient psychiatric services from the Downe Hospital to the Lagan Valley Hospital.

(AQW 4305/11)

Minister of Health, Social Services and Public Safety: The relocation of acute inpatient psychiatric services from the Downe Hospital is part of the South Eastern Health and Social Care Trust's policy for mental health services across its entire area. The Trust's consultation document 'Mental Health Services: The Future of Hospital In-Patient Care in the South Eastern Trust' includes an Equality Impact Assessment of the proposals. A copy of the consultation document is available on the Trust's website at www.setrust.hscni.net/involving/reference/Mental%20Health%20Proposal%20Final%20-%2024%20Nov%2010.pdf.

Accident and Emergency Services at the Downe Hospital

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety to detail the clinical assessments which were undertaken by his Department and the South Eastern Health and Social Care Trust that resulted in the decision to remove night-time consultant-led accident and emergency services at the Downe Hospital.

(AQW 4308/11)

Minister of Health, Social Services and Public Safety: The South Eastern Health and Social Care Trust's consultation document 'Proposals for a Safe and Sustainable Urgent Care Network in the South Eastern Trust (including a proposal to change the Emergency Department at the Downe Hospital)' details the reasons for the decision to change the model of emergency care at the Downe Hospital and the options considered.

I am advised by the Trust that each option was assessed on the basis of its ability to provide a quality focused and safe service that was both sustainable and affordable. The assessment of the options

included an analysis of the number, condition, arrival method, treatment and outcome of patients attending the current emergency department between 10pm-8am; this work assisted the decision making process.

The Trust further advises that a range of clinical assessments were undertaken to ensure that the agreed model was workable. These included a retrospective analysis of patient notes for those who presented to the Downe Hospital between 10pm-8am. This enabled the clinicians and GPs to clearly see what type of cases presented after hours and agree how those cases would be managed in the new model. This audit work has been repeated several times. In-depth clinical protocols have been developed based on the ongoing learning from the clinical assessments to ensure patient safety is paramount. The Emergency Department has piloted the model on several occasions to identify problems and learning.

Acute Inpatient Psychiatric Services at the Downe Hospital

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety to detail the clinical assessments which were undertaken by his Department and the South Eastern Health and Social Care Trust that resulted in the decision to re-locate acute in-patient psychiatric services from the Downe Hospital to the Lagan Valley Hospital.

(AQW 4309/11)

Minister of Health, Social Services and Public Safety: The relocation of acute inpatient psychiatric services from the Downe Hospital is part of the South Eastern Health and Social Care Trust's policy for mental health services across its entire area. I am advised by the Trust that a number of clinical issues were considered, as part of the formal options appraisal detailed in the South Eastern Trust proposal, for the re-provision of existing acute mental health inpatient care to a single site solution based at the Lagan Valley Hospital, Lisburn.

The Trust further states that key objectives detailed within the proposal included a requirement to ensure the provision of safe, effective and sustainable acute psychiatric inpatient care; this would be consistent with best practice developments and an improved patient experience for those individuals transitioning in care between the acute psychiatric inpatient units presently based at the Downe and Ulster Hospitals. The proposal to move acute inpatient care from the current three facilities to a single unit has been assessed as offering a number of clinical benefits such as greater patient choice, improved outcomes, a more responsive service and concentration of staff skills and services. Senior clinicians representing psychiatry, nursing and social work were involved in formulating the proposal and planning a service model that aims to deliver these improved outcomes. User and carer representatives were also members of the option appraisal group.

Ballymena Health and Care Centre

Mr P Frew asked the Minister of Health, Social Services and Public Safety for an update on the proposed Ballymena Health and Care Centre, including the proposed date for the commencement of work.

(AQW 4311/11)

Minister of Health, Social Services and Public Safety: The business case for the development of a new Health and Care Centre in Ballymena is currently being assessed. Until the business case has been approved and I have confirmation of the available funding to both build and operate the new facility following finalisation of Budget 2010, I cannot confirm the timeframe for commencing work on this project. However, I can confirm that the development of a new health and care centre remains a high priority for me and for the Northern Health and Social Care Trust.

Fire Station and Ambulance Station in Ballymena

Mr P Frew asked the Minister of Health, Social Services and Public Safety for an update on the proposed new (i) Fire Station; and (ii) Ambulance Station in Ballymena, including the proposed date for the commencement of work.

(AQW 4312/11)

Minister of Health, Social Services and Public Safety: My Department received a Stage 2 outline business case for an Ambulance Station in Ballymena in December 2010. This is currently being reviewed by my officials. A similar business case for a Fire Station in Ballymena is expected to be received in mid-2011.

You will be aware of the significant cut in the expected funding to my Department as part of the draft budget allocation. The proposed level of funding makes it difficult for me to progress all of the projects I had hoped. Until both projects have received business case approval and the final budget is agreed, I am not in a position to announce the way forward for either project.

Leg Ulcer Care

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety whether (i) GPs, who employ their own practice nurses, are funded to provide an assessment, treatment and ongoing prevention service for patients with leg ulcers; (ii) there is a strategy for leg ulcer care; and if not, are there proposals to develop one.

(AQW 4318/11)

Minister of Health, Social Services and Public Safety: Under the GMS contract GP Practices receive funding for the delivery of a range of primary care services. This funding takes account of staff costs including Practice Nurse where they are employed by the Practice. Practice Nurses do treat leg ulcers; however, there is a spectrum of severity of venous ulceration in patients where the patient's condition warrants more specialist care. In such cases patients will be referred to tissue viability nurses or other clinical specialists.

There is currently no Leg Ulcer Strategy in Northern Ireland. Officials from my Department have been in touch with members of the All Ireland Leg Ulcer Forum and Tissue Viability Network, and are meeting soon to consider how the proposal for a Leg Ulcer Strategy fits with the wider Quality Initiatives that are being developed.

Local Enhanced Hospital in Omagh

Mr B McElduff asked the Minister of Health, Social Services and Public Safety to outline the services which are planned for the Local Enhanced Hospital in Omagh; and the time-frame for the commencement and completion of building the hospital.

(AQW 4324/11)

Minister of Health, Social Services and Public Safety: The proposed Local Enhanced Hospital Complex in Omagh will provide a range of services. These include, Intermediate Care, Renal Dialysis, Day Surgery, Urgent Care and Treatment Centre, Cardiac Assessment Unit, Pharmacy, Diagnostics, Outpatients, GP services, Mental Health, Learning disability and an ambulance station.

In terms of a time-frame for this project, you will be aware of the significant cut in the expected funding to my Department as part of the draft budget. The proposed level of funding makes it difficult for me to progress all of the capital projects across Northern Ireland which I had hoped to bring forward. It will not be possible to make a final decision on the time-frame until the budget has been finalised and the business case has been approved.

Health Service's Electronic and Manual Processes

Mr I McCreia asked the Minister of Health, Social Services and Public Safety when he will integrate into the Health Service's electronic and manual processes, a system that will allow GPs to indicate a patient's communication and mobility needs, so that this information can be easily passed on whenever a patient is being referred for treatment.

(AQW 4330/11)

Minister of Health, Social Services and Public Safety: The present referral template used for vast majority of referrals from Primary to Secondary Care (the MDSv4) contains a section which allows the referrer to indicate any relevant mobility or communication issues.

The NI Clinical Communications Gateway project has been initiated to facilitate the electronic transmission of GP referrals to secondary care using this template. The project is due to commence as a pathfinder in the Southern Trust within the next 6 weeks and will be rolled out throughout Northern Ireland by the end of 2012.

Format of Appointment Letters and Other Correspondence

Mr I McCrea asked the Minister of Health, Social Services and Public Safety when he will introduce and promote the provision of appointment letters and other correspondence in a patient's preferred format.

(AQW 4331/11)

Minister of Health, Social Services and Public Safety: I have recently launched for consultation a draft Physical and Sensory Disability Strategy, which includes recommendations about the provision of information in a range of accessible formats for people who are visually impaired. In addition, Health and Social Care Trusts have been working collaboratively in preparation of a draft Section 75 Action Plan and Equality Scheme which contains actions to ensure that information is available in an accessible format for people with a sensory disability. The outcome will be an accessible appointment letter and guidelines developed within its first year.

Written Information on Patients

Mr I McCrea asked the Minister of Health, Social Services and Public Safety when all the written information on a patient, whether specific or general, will be available on request to that patient in their preferred format, such as large print, audio, braille or email.

(AQW 4333/11)

Minister of Health, Social Services and Public Safety: I refer the member to my answer to AQW 4331/11.

Complaints Made in Hospitals

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 3338/11, for a breakdown of the type of complaints received and their outcome.

(AQW 4348/11)

Minister of Health, Social Services and Public Safety: Information on the number of complaints received by Hospitals during the Christmas period is not routinely collected by the DHSSPS and the additional information requested could only be obtained at disproportionate cost.

Delayed Admissions

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 3399/11, (i) to detail, for the Royal Victoria Hospital, (a) the number of people who experienced delayed admissions to wards after reporting to accident and emergency units during the Christmas holiday period; (b) the length of time these people had to wait for admission; and (c) the reasons for the delayed admissions; and (ii) whether any staff in the RVH were called back, or returned voluntarily from leave to help alleviate the delays.

(AQW 4349/11)

Minister of Health, Social Services and Public Safety:

- (a) Between 24th December 2010 and 1st January 2011, 370 patients were cared for in A&E in the Royal Victoria Hospital Accident & Emergency (A&E) Department, while waiting to be admitted to hospital after a decision was made to admit.

- (b) Of these 370 patients, 159 waited less than 2 hours to be admitted to hospital after a decision was made to admit, whilst 211 waited 2 hours or more.
- (c) Information on the reasons for patients waiting to be admitted is not readily available and could only be provided at disproportionate cost.
- (ii) Over the Christmas holiday period, a number of A&E staff were called back or returned voluntarily from leave, as and when required to help alleviate the delays.

Delayed Admissions

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 3400/11, how many additional beds were opened during the Christmas period in the (i) Royal Victoria Hospital; (ii) Belfast City Hospital; and (iii) Mater Hospital.

(AQW 4350/11)

Minister of Health, Social Services and Public Safety: Belfast Health and Social Care Trust have provided the following details on the number of additional beds that were opened, during the Christmas holiday period (24th December 2010 – 1st January 2011 inclusive), (i) Four (ii) Nine (iii) Zero.

Brain Scans in the Royal Victoria Hospital

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety how long patients had to wait for a brain scan in the Royal Victoria Hospital during the Christmas period; and was this longer than usual.

(AQW 4351/11)

Minister of Health, Social Services and Public Safety: The table below shows the waiting times for patients waiting for a brain scan in the Royal Victoria Hospital at 31st December 2010.

	Patients waiting for a brain scan by weeks waiting					
	0-6	>6-9	>9-13	>13-21	>21-26	>26
No. of patients waiting	390	183	199	308	75	140

Source: Belfast Health and Social Care Trust

My 2010/11 waiting time target for diagnostic services requires that by March 2011, patients should wait no longer than nine weeks for this type of diagnostic service. At 31st December 2010, 722 patients were waiting more than nine weeks at the Royal Victoria Hospital.

Hospital Infections

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 3451/11, whether any wards in the Royal Victoria Hospital were closed during the last eight weeks because of infections.

(AQW 4352/11)

Minister of Health, Social Services and Public Safety: There were no wards closed due to infection in the Royal Victoria Hospital during the eight week period from 13th December 2010 to 6th February 2011.

Oral Medicine Incident at the Royal Victoria Hospital's School of Dentistry

Mr W Clarke asked the Minister of Health, Social Services and Public Safety how long was the consultant involved in the recent oral medicine incident at the Royal Victoria Hospital's School of Dentistry left to work unsupervised after concerns were first raised about his competence; and what was the rationale for this.

(AQW 4354/11)

Minister of Health, Social Services and Public Safety:

- Approximately 5 weeks.
- The rationale was that for this period these were only allegations. During the 5 weeks the Trust were establishing the facts, to engage the supervising consultant and to get agreement with the consultant at the centre of the allegations.

Oral Medicine Incident at the Royal Victoria Hospital's School of Dentistry

Mr W Clarke asked the Minister of Health, Social Services and Public Safety to outline (i) the supervision imposed on the consultant involved in the recent oral medicine incident at the Royal Victoria Hospital's School of Dentistry; (ii) what role the supervisor had; and (iii) whether patients were examined as well as having their notes reviewed.

(AQW 4355/11)

Minister of Health, Social Services and Public Safety:

- (i) The supervising consultant reviewed the clinical records (2-3 clinics each week) of patients seen in the Oral Medicine Service. He then subsequently met with the Oral Medicine Consultant on a weekly basis to discuss the management of these patients.
- (ii) The supervisor's role was:
 - (a) To meet with the Oral Medicine Consultant on a weekly basis after reviewing the clinical records of the patients.
 - (b) To ensure that patient care was in keeping with good practice.
 - (c) To discuss overall case management with the Oral Medicine Consultant.
- (ii) The supervising consultant did not examine the patients.

Royal Victoria Hospital's School of Dentistry

Mr W Clarke asked the Minister of Health, Social Services and Public Safety to outline the procedure for carrying out blood tests for oral cancers at the Royal Victoria Hospital's School of Dentistry, from appointment to results being given.

(AQW 4356/11)

Minister of Health, Social Services and Public Safety: In contrast with other forms of cancer (bowel, ovarian) there are no specific blood markers (tests) for oral cancer.

Child Residential Care

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety how much it costs his Department per week to keep a child in residential care.

(AQW 4357/11)

Minister of Health, Social Services and Public Safety: The average cost of keeping a child in residential care, based on 2009/10 financial information, was £2,815 per week.

Funding for Home Start

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety how much funding his Department provided to Home Start in each of the last five years; and how much funding will be allocated in the next financial year.

(AQW 4358/11)

Minister of Health, Social Services and Public Safety: My Department provides funding for Home-Start's central administrative costs. There are no plans for this funding to cease. In addition, 4 local Home-Start schemes have received funding from the Department. This funding is due to cease in March 2011.

In each of the last 5 years, this funding is as follows:

Year	Core Funding	Local Schemes
2010/11	£50,420.00	£141,693.12
2009/10	£50,420.00	£174,112.50
2008/09	£49,189.50	£187,415.22
2007/08	£47,990.00	£183,155.24
2006/07	£46,820.00	£176,640.64

As you are aware, the Executive's draft Budget is currently out for public consultation. Until this is agreed, work cannot be finalised on the detail of my Department's Budget. This means that I am unable to give guarantees to any groups at this time about the availability of funding beyond March 2011.

Tyrone County Hospital in Omagh

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety what is the current waiting time for a patient to see a consultant dermatologist at the Tyrone County Hospital in Omagh. (AQW 4359/11)

Minister of Health, Social Services and Public Safety: My Department collects data relating to waiting times for a first outpatient appointment by Health and Social Care Trust on a quarterly basis. The waiting time for a first outpatient appointment with a consultant dermatologist at the Western Health and Social Care Trust, at 30th September 2010, the most recent quarter for which official data are available, is outlined in the table below.

Specialty	Waiting time in (weeks)				
	0 - 6	> 6 - 9	> 9 - 13	> 13 - 26	> 26
Dermatology	575	58	80	22	0

Source: Departmental Return CH3

Transfer from Hospital to a Nursing Home

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety how many older people in each Health and Social Care Trust area are currently awaiting a transfer from hospital to a nursing home. (AQW 4360/11)

Minister of Health, Social Services and Public Safety: Information provided by the Chief Executives of the five Health & Social Care (HSC) Trusts indicates that 21 people were waiting in Hospital for a nursing home care package, longer than the agreed time period specified in my Departments Priorities for Action target below:

"From April 2010, the HSC Board and Trusts should ensure that 90 of complex discharges take place within 48 hours, with no discharge taking longer than seven days. All other patients should be discharged within six hours of being declared medically fit."

Midwifery-led Maternity Unit in Omagh

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety for an update on the proposed Midwifery-led maternity unit in Omagh. (AQW 4361/11)

Minister of Health, Social Services and Public Safety: I am still considering the complex issues of mother and baby safety, the impact on maternity services at other hospitals and the sustainability of such a service. I am giving these issues my fullest consideration taking the necessary professional advice.

Voluntary Medical Services

Lord Morrow asked the Minister of Health, Social Services and Public Safety to what extent Health and Social Care Trusts avail of voluntary medical services such as the St John's Ambulance and the Order of Malta.

(AQW 4366/11)

Minister of Health, Social Services and Public Safety: St John Ambulance and The Order of Malta are both well established and highly respected volunteer services which assist ambulance services and Health and Social Care organisations throughout the UK. The medical volunteer staff of both organisations are highly trained.

In Northern Ireland the St John Ambulance has been used by the Northern Ireland Ambulance Service and the five other Health and Social Care Trusts. The Order of Malta is used only by the Western Health and Social Care Trust. Both voluntary organisations are used to provide for the non-emergency transport of patients particularly at times of high demand for NIAS resources such as Christmas, New Year and the Twelfth of July.

Weekend Shifts

Lord Morrow asked the Minister of Health, Social Services and Public Safety whether it is practice for locum doctors or other medical staff to be brought in from outside Northern Ireland to cover weekend shifts.

(AQW 4368/11)

Minister of Health, Social Services and Public Safety: Health and Social Care Trusts make every effort in the first instance to recruit Locum Doctors and other Medical staff from within their Trust who have the skills set to cover the shifts required. It is only if the Trust fails to obtain cover from within the organisation that as a last resort they contact local contracted agencies. These Agencies normally recruit staff from Northern Ireland; however, some of these agencies will, when necessary provide locums from outside Northern Ireland. This is particularly the case in circumstances when there is no suitable specialist available in Northern Ireland.

Eating Disorders

Mr P Weir asked the Minister of Health, Social Services and Public Safety what services are available for people aged 18 years and older who have an eating disorder.

(AQW 4371/11)

Minister of Health, Social Services and Public Safety: The services available for individuals with eating disorders depend on the nature, severity and complexity of the specific condition and the needs of that individual.

Services range from GP services, community support, specialist eating disorder teams to specialist inpatient care.

All Trusts have specialist eating disorder teams in place, which have been developed in accordance models agreed through the Regional Eating Disorders Network Group. Services include:

- Assessment including risk assessment;
- Community based psychological interventions;
- Psycho-education approaches;
- dietician advice, support and nutritional rehabilitation;

- Family intervention and support;
- Psychiatric interventions, especially in co-morbid conditions; and
- Medical interventions, advice and support.

Each Trust is also currently working with in-patient teams to develop care pathways for individuals requiring admission to an acute setting.

Bed-Blocking in Hospitals

Mr J Dallat asked the Minister of Health, Social Services and Public Safety how he intends to address the problem of bed-blocking in hospitals.

(AQW 4391/11)

Minister of Health, Social Services and Public Safety: I am continuing to develop and expand the range of domiciliary care services available and increase the number of people who manage their own care through Direct Payments. I have also introduced Regional Access Criteria for Domiciliary Care in 2008 to provide for greater transparency and harmonisation in the process of identifying and prioritising need. In the present budget period I have committed an extra £58m from April 2008 to March 2011 in order to help support an additional 1500 people in the community.

In spite of this investment, Trusts are finding it extremely difficult to meet the rising demand for domiciliary care, not least because they remain unable to plan on the basis of their next year's budget.

I have sought to highlight these circumstances in order to make the best possible case for increased resources, and to advise the Executive, the DFP and the Assembly of the increasing urgency of the need for resources to provide this lifeline for some of the most frail and vulnerable people in our community.

Tyrone County Hospital in Omagh

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety how many days a week a consultant dermatologist is available for clinics at the Tyrone County Hospital in Omagh.

(AQW 4397/11)

Minister of Health, Social Services and Public Safety: The Western Trust has advised me that the Dermatology Clinic takes place every Monday, except Bank Holidays.

The morning clinic runs from 9:30 am until 1:00pm and the afternoon clinic runs from 1:30pm until 4:30 pm.

Local Enhanced Hospital in Omagh

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety whether the Local Enhanced Hospital in Omagh is included in the capital programme of his 2011-15 budget.

(AQW 4398/11)

Minister of Health, Social Services and Public Safety: As I have previously stated, the proposed Local Enhanced Hospital Complex in Omagh is a key project for me. However, you will be aware of the significant cut in the expected funding to my Department as part of the draft budget. The proposed level of funding makes it difficult for me to progress all of the capital projects which I had hoped. As a result I am looking at all options open to me, including phasing, to allow me to progress this project. However, it will not be possible to confirm the way forward for this project until the business case has been approved and the budget has been finalised.

Meals on Wheels in the Southern Health and Social Care Trust

Mr D Bradley asked the Minister of Health, Social Services and Public Safety how many people have been in receipt of Meals on Wheels in the Southern Health and Social Care Trust area in each of the last three years.

(AQW 4404/11)

Minister of Health, Social Services and Public Safety: The number of people in the Southern Health and Social Care Trust area in receipt of Meals on Wheels, over the last three years is as follows:

1 April 2007 – 31 March 2008	922
1 April 2008 – 31 March 2009	785
1 April 2009 – 31 March 2010	569

Meals on Wheels services are provided by the Health & Social Care (HSC) Trusts for vulnerable people where a needs assessment shows that the person is experiencing a temporary or long term inability to cook a meal. The criteria have remained unchanged during the 3 year period above. Meals can be provided directly by the HSC or by the independent sector either within the persons own home in the form of a cooked or frozen meal, or at a day centre.

Information regarding the numbers of people in the Southern HSC Trust who have had their Meals on Wheels service withdrawn in the last three years is not available.

Meals on Wheels in the Southern Health and Social Care Trust

Mr D Bradley asked the Minister of Health, Social Services and Public Safety to outline the eligibility criteria for receiving 'Meals on Wheels' in the Southern Health and Social Care Trust area; and whether the criteria has changed over the last three years.

(AQW 4405/11)

Minister of Health, Social Services and Public Safety: The number of people in the Southern Health and Social Care Trust area in receipt of Meals on Wheels, over the last three years is as follows:

1 April 2007 – 31 March 2008	922
1 April 2008 – 31 March 2009	785
1 April 2009 – 31 March 2010	569

Meals on Wheels services are provided by the Health & Social Care (HSC) Trusts for vulnerable people where a needs assessment shows that the person is experiencing a temporary or long term inability to cook a meal. The criteria have remained unchanged during the 3 year period above. Meals can be provided directly by the HSC or by the independent sector either within the persons own home in the form of a cooked or frozen meal, or at a day centre.

Information regarding the numbers of people in the Southern HSC Trust who have had their Meals on Wheels service withdrawn in the last three years is not available.

Meals on Wheels in the Southern Health and Social Care Trust

Mr D Bradley asked the Minister of Health, Social Services and Public Safety how many people in the Southern Health and Social Care Trust area have had their Meals on Wheels service withdrawn in each of the last three years.

(AQW 4406/11)

Minister of Health, Social Services and Public Safety: The number of people in the Southern Health and Social Care Trust area in receipt of Meals on Wheels, over the last three years is as follows:

1 April 2007 – 31 March 2008	922
1 April 2008 – 31 March 2009	785
1 April 2009 – 31 March 2010	569

Meals on Wheels services are provided by the Health & Social Care (HSC) Trusts for vulnerable people where a needs assessment shows that the person is experiencing a temporary or long term inability to cook a meal. The criteria have remained unchanged during the 3 year period above. Meals can be provided directly by the HSC or by the independent sector either within the persons own home in the form of a cooked or frozen meal, or at a day centre.

Information regarding the numbers of people in the Southern HSC Trust who have had their Meals on Wheels service withdrawn in the last three years is not available.

Home Start

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety, given that for every £1 spent by Home Start £4.69 is saved by the relevant statutory bodies, for his assessment of the importance of his Department's investment in Home Start.

(AQW 4407/11)

Minister of Health, Social Services and Public Safety: I am aware of the valuable contribution of organisations such as Home-Start make providing families with advice and support. However, I am unaware of the statistic that is quoted in this question and would welcome the evidence that this is based on.

Eating Disorders

Mr P Doherty asked the Minister of Health, Social Services and Public Safety (i) to detail (a) the number, and percentage, of patients with an eating disorder who were sent to Germany or England in each of the last four years; (b) the average time between diagnosis of an eating disorder and the commencement of treatment; and (c) the level of funding allocated for the treatment and prevention of eating disorders; and (ii) for his assessment of whether this funding is adequate to address the issue; and (iii) for an update on the progress made by the Health and Social Care Board in developing a specific community and in-patient based service across the five Health and Social Care Trusts.

(AQW 4410/11)

Minister of Health, Social Services and Public Safety: A) The numbers of patients with an Eating Disorder who were referred outside of Northern Ireland for treatment are as follows:

TOTAL ECR ADMISSIONS FOR ALL 5 TRUSTS RE: ADULT ED PATIENTS BY CALENDAR YEAR & % BASED ON REFERRAL FIGURES

2007	24	11%
2008	19	7.5%
2009	16	6.1%
2010	8	2.7%

N.B. Please note these patients were admitted to hospitals in Mainland UK and the Republic of Ireland. No patients were admitted to Germany.

- B) Eating disorders can vary in type, severity and presentation and can affect children, adolescents and adults. Individuals present in many different ways and in different settings, and to a range of health and social care staff. They can also feature as part of other co-morbid conditions. Therefore, the information is not available in the format requested.

- C- (i) Given the range of presentations and interventions, it is not possible to give the total investment in all eating disorder service provision. However, there has been additional investment of £2.5m since 2005/06 which is now recurrent and has been invested in community eating disorder services for adults and children. As identified in (a) above, number of people requiring placement outside of the jurisdiction is falling, thus highlighting that progress is being made in the development of specialist eating disorder services locally.
- (ii) While I believe that this level of funding within existing specialist services is still not sufficient to address the current level of need, I have been unable to commit further investment in this area due to the financial restrictions imposed on my Department.
- (iii) Each Trust has community eating disorder services in place which have been developed in accordance with good practice as identified through the Regional Eating Disorders Network Group. This Group is led by the Public Health Agency in collaboration with the HSC Board. Each Trust is currently working with inpatient teams to develop care pathways for individuals requiring admission to acute settings.

Where admission is required, in-patient based staff with assistance from the specialist community teams co-manage individual cases.

Royal Victoria Hospital's School of Dentistry

Mr P Weir asked the Minister of Health, Social Services and Public Safety how many of the 139 patients recalled by the Royal Victoria Hospital's School of Dentistry are from the North Down constituency.

(AQW 4418/11)

Minister of Health, Social Services and Public Safety: The information requested is not available.

Electricity

Mr J Spratt asked the Minister of Health, Social Services and Public Safety how much his Department and its arms-length bodies have spent on electricity in each of the last three available financial years.

(AQW 4431/11)

Minister of Health, Social Services and Public Safety: The total cost of electricity incurred by the Department of Health Social Services and Public Safety (DHSSPS) and its arms length bodies in each of the last three financial years is set out in the table below.

Electricity Costs	2009/10	2008/09	2007/08
Organisation	£	£	£
DHSSPS	512	52,662	48,094
HSC Board	116,277	187,000	153,000
Belfast HSC Trust	5,911,548	9,002,190	6,613,106
Northern HSC Trust	2,139,046	2,767,532	1,895,080
Southern HSC Trust	1,937,923	2,638,908	1,787,822
South Eastern HSC Trust	2,199,450	2,383,374	1,686,036
Western HSC Trust	2,118,421	2,444,879	2,190,141
NI Fire and Rescue Service	651,309	624,081	419,103
NI Guardian Ad Litem Agency	13,420	13,580	15,044
NI Blood Transfusion Service	60,307	58,790	55,002
Business Services Organisation	148,947	142,527	120,651

Electricity Costs	2009/10	2008/09	2007/08
Organisation	£	£	£
Public Health Agency	15,125		
Health Protection Agency		12,374	9,879
NI Ambulance Service Trust	87,050	71,004	50,164
Regulation and Quality Improvement Authority	7,416	7,482	7,488
NI Practice Education Council	9,932	8,378	9,436
NI Social Care Council	11,319	14,252	9,063
NI Medical & Dental Training Agency	9,930	9,290	16,325

Waiting Lists in the Health Service

Mr P Frew asked the Minister of Health, Social Services and Public Safety whether any waiting lists in the Health Service are prioritised by alphabetical order of the patient's surname.

(AQW 4635/11)

Minister of Health, Social Services and Public Safety: The Health and Social Care Trusts have advised me that patients on waiting lists are prioritised in the first instance according to their clinical need and then in strict chronological order.

IR1 Forms

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety how many IR1 forms, from consultants raising concerns over patient safety, were received by each Health and Social Care Trust in each of the last three years.

(AQW 4646/11)

Minister of Health, Social Services and Public Safety: The information requested is not readily available and could only be provided at disproportionate cost.

People with Eating Disorders

Mr C Lyttle asked the Minister of Health, Social Services and Public Safety what stage has been reached in the strategic planning for Tier 4 services for people with eating disorders, as recommended in the Bamford Review 2005; and how many patients are currently receiving out of area treatment as a result of a lack of inpatient beds.

(AQW 4683/11)

Minister of Health, Social Services and Public Safety: Tier 4 services for those with Eating Disorders are currently being addressed through the provision of in-patient services in each Trust area: where admission is required, in-patient based staff with assistance from the specialist community teams co-manage individual cases, where appropriate. It is recognised that more investment is required in eating disorder services but, due to budgetary pressures, no additional resource is currently available.

At this time, there are 8 patients being treated outside of Northern Ireland. Reasons for referral outside of this jurisdiction may be due to a number of factors which would be fully discussed between the individual patient and the relevant Trust.

Efficient Responses to Assembly Questions

Mr P McGlone asked the Minister of Health, Social Services and Public Safety what measures he will put in place in his Department to ensure efficient responses to Assembly Questions.

(AQW 4729/11)

Minister of Health, Social Services and Public Safety: Since I took up this post I have responded to nearly 7100 Assembly Questions – including almost 1100 Priority Written questions - significantly more than any other Department. Of these, over 90% have been answered on time.

I do not regard this performance as in any way inefficient.

Department of Justice

Compensation Claims for Injuries

Mr G Campbell asked the Minister of Justice to detail the number of compensation claims and the total amount paid out in each of the last three years for injuries received while prisoners served their sentence.

(AQW 4261/11)

Minister of Justice (Mr D Ford): Data do not distinguish between sentenced and remand prisoners. The number of compensation claims and the total paid out in each of the last three financial years and current financial year to 31 January for injuries to all prisoners are:

Financial Year	No of Prisoner Claims Received	Total Compensation Paid
07/08	35	£48,555.89
08/09	23	£47,286.30
09/10	23	£95,147.64
10/11 (to 31 January)	21	£72,020.00
Total	102	£263,009.83

Unlawfully at Large

Lord Morrow asked the Minister of Justice how many people are currently regarded as being unlawfully at large, broken down by court division.

(AQW 4299/11)

Minister of Justice: Table A below sets out the number of people who are currently regarded as being unlawfully at large.

It is not possible to give a breakdown by court division.

TABLE A

A Year	B UAL from Prison Service Released in Error	C UAL from Prison Service temporary release	D UAL from Court temporary release	E Recalled Licencees who are UAL
2001	0	2	0	0

A Year	B UAL from Prison Service Released in Error	C UAL from Prison Service temporary release	D UAL from Court temporary release	E Recalled Licencees who are UAL
2002	0	3	0	0
2003	0	0	0	0
2004	0	0	1	0
2005	0	0	1	0
2006	0	1	0	0
2007	0	0	2	0
2008	0	0	0	0
2009	0	1	0	0
2010	1	0	2	3
2011 to date	0	0	1	0
Total	1	7	7	3

Column B – refers to erroneously released prisoner.

Column C - refers to sentenced prisoners granted temporary release by the Prison Service,

Column D - refers to remand prisoners granted temporary release by the courts,

Column E - refers to prisoners who were not unlawfully at large (UAL) at the end of the custodial portion of their sentences but who have subsequently breached the terms of their licences in the community, and have failed to return to prison.

Sentencing Guidelines Council

Lord Morrow asked the Minister of Justice what consideration he has given to introducing stiffer sentencing guidelines in relation to defendants who deny a charge and then change their plea on the day that the case is to be heard.

(AQW 4301/11)

Minister of Justice: Sentencing in individual cases is a matter for the judiciary who are wholly independent of government. Judges have statutory powers to discount the sentences of offenders who plead guilty at an early stage.

However, it is clearly vital to use important criminal justice resources, including court time, as effectively as possible. It is also critical that, wherever possible, we reduce the burden imposed on victims and witnesses who are often called to court unnecessarily in such cases.

I have, therefore, asked officials to consider measures to address the issue of late guilty pleas, as part of the wider programme of work to speed up justice.

Consultation Documents

Mr P J Bradley asked the Minister of Justice to list the number and titles of all consultation documents issued by his Department since May 2007.

(AQW 4336/11)

Minister of Justice: The Department of Justice came into existence on 12 April 2010. Since that date the Department has issued 13 consultations which are listed in the table below:

Number of Consultations	Title of Consultation	Date Issued
1	Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, Using Special Measures and Provision of Pre-Trial Therapy Consultation on Best Practice Guidance for Practitioners	July 2010
2	Equality Impact Assessment for a Proposed Justice Bill (NI)2010	August 2010
3	Consultation on bribery prevention procedures for commercial organisations to be published under Section 9 of the Bribery Act 2010	September 2010
4	Consultation on Section 75 Equality Impact Assessment of the Proposals on Reform of legal representation provided by way of criminal legal aid at the Crown Court	September 2010
5	Remuneration of Defence Representation in the Crown Court Consultation	September 2010
6	Consultation on Section 75 Equality Impact Assessment of the Proposals on new Rules on Remuneration of Defence Representation in the Crown Court	September 2010
7	Priority list of areas for sentencing guidelines (issued by the Lord Chief Justice's Office)	October 2010
8	Consultation on a Code of Practice for Victims of Crime	October 2010
9	Consultation on a Sentencing Guidelines Mechanism	October 2010
10	Consultation on Long-Term Policing Objectives	January 2011
11	"Building Safer, Shared and Confident Communities" A Consultation on a New Community Safety Strategy for Northern Ireland	January 2011
12	Draft Budget 2011-15 Department of Justice Draft Allocations and Savings Proposals	January 2011
13	Consultation on a Review of Community Sentences	February 2011

Sex Offenders Register

Lord Morrow asked the Minister of Justice how many people are on the sex offenders register, and of these, what percentage had more than one relevant previous conviction.

(AQW 4375/11)

Minister of Justice: The recording of information about 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.

You may therefore wish to direct your question to the PSNI.

Possession of Mephedrone

Lord Morrow asked the Minister of Justice how many convictions have been secured for the possession of mephedrone since it was banned.

(AQW 4382/11)

Minister of Justice: The information requested is not available. Convictions for drug offences are identified on the basis of classification and not the specific type of substance. The numbers arrested / charged / reported to Public Prosecution Service are also compiled by classification.

Information on seizure incidents is, however, broken down by type of substance; figures for the period 16 April 2010 (when the ban came into effect) to 31 January 2011 are documented in Table 1 below.

TABLE 1: MEPHEDRONE SEIZURES AND SEIZURE INCIDENTS - 16 APRIL 2010-31 JANUARY 2011

	Drugs Seized	No. of Seizures	Amount Seized
Mephedrone:	Powder (gms)	222	19,348.6gms
	Wraps	4	84 wraps
Total Seizure Incidents		226	

Source: PSNI

¹ 2010/11 statistics are provisional and may be subject to minor amendment.

Transportation of Separated Prisoners

Lord Morrow asked the Minister of Justice, pursuant to AQW 3765/11, given that loyalist and republican prisoners were never previously transported to locations in the same vehicle, to explain the statement 'It has also been decided that for safety reasons it is not acceptable for loyalist and republican separated prisoners to share the same vehicle'.

(AQW 4400/11)

Minister of Justice: Prior to the Agreement of 12 August 2010, separated loyalist and republican prisoners were transported to the visits areas in the same vehicle, albeit at different times. Following the Agreement, a review of the new search facility arrangements led to a decision to increase the use of a vehicle to transport segregated prisoners to other areas of the prison. As a result of the decision for the increased use of a vehicle, it was concluded that for security and safety reasons it was no longer acceptable for loyalist and republican separated prisoners to share the same vehicle.

Self-Harm by Prisoners

Lord Morrow asked the Minister of Justice how many incidents of self-harm by prisoners have been reported in each prison facility, including the Juvenile Justice Centre, in each of the last five years.

(AQW 4401/11)

Minister of Justice: Table A below shows the number of reported incidents of self harm recorded in each prison during the last five years. The overall increase of reported incidents by 77 cases between 2009 and 2010 is indicative of improved reporting by staff and more advanced recording facilities introduced in January 2010, using the Prisoner Record Information Systems Management (PRISM).

TABLE A – REPORTED SELF HARM INCIDENTS IN PRISON ESTABLISHMENTS

Year	Maghaberry	Magilligan	Hydebank Wood
2006	37	9	72
2007	60	9	53

Year	Maghaberry	Magilligan	Hydebank Wood
2008	45	10	51
2009	70	15	69
2010	165	10	56

Table B shows the number of reported incidents recorded by the Juvenile Justice Centre (JJC) for the period 2007 to 2010.

Woodlands Juvenile Justice Centre maintains a detailed database of all incidents of self harm including those of a relatively minor nature. As such, the statistics recorded in table B may not be directly comparable to Northern Ireland Prison Service figures, which have been drawn from a separate reporting system. Table B shows the number of self harm incidents taking place in the Centre for the period August 2007 to December 2010. Information prior to August 2007 is not readily available.

TABLE B: REPORTED INCIDENTS OF SELF HARM IN JJC: 16TH AUGUST 2007 – 31ST DECEMBER 2010

Year	Serious ⁽¹⁾	Other ⁽¹⁾	Total
2007 ⁽²⁾	5	53	58
2008	3	28	31
2009	1	29	30
2010	3	75	78
Total	12	185	197

- (1) The 12 serious incidents relate to two incidents of attempted hanging, one of overdose and 9 of deep cutting. Examples of the other 185 self harm incidents, not deemed to be in the serious category, include superficial cutting, wall/door punching and head banging.
- (2) Covers the period 16th August 2007 – 31st December 2007. Figures prior to 16th August 2007 are not readily available.

Case Number 10/11679

Lord Morrow asked the Minister of Justice for a breakdown of the total cost of case number 10/11679.

(AQW 4402/11)

Minister of Justice: Some of the costs associated with this case are not yet known and not all agencies hold cost information at case level - for example the legal aid costs may not be submitted for some months and police costs are estimated for the court stages.

However the table below sets out the estimated costs associated with case number 10/116179 and includes all appearances before the Magistrates' Court and Crown Court.

ESTIMATED COSTS ASSOCIATED WITH CASE NUMBER 10/116179

Cost Type	Estimated Cost
PSNI Prosecution	£740.00
PPS Prosecution	£1,500.00
Defence (Legal Aid Costs)	£7,389.00
Court (Judiciary and Staff Costs)	£2,540.00

Cost Type	Estimated Cost
Jury expenses	£332.00
Facilities (e.g. Courtroom Accommodation)	£560.00
Total	£13,061.00

Solicitor Advocates

Lord Morrow asked the Minister of Justice whether solicitor advocates will be paid the same composite legal aid fee as barristers.

(AQW 4496/11)

Minister of Justice: In respect of criminal cases, the fees paid to solicitors exercising their proposed new rights of audience in the Court of Appeal will be a matter for the Taxing Master who has responsibility for assessing the fees payable in individual cases at that court tier.

In criminal cases at court tiers other than the Court of Appeal, where the fee are prescribed in rules, the policy intention is that solicitors exercising their existing rights of audience in place of counsel would be paid at a rate commensurate to rates paid to junior counsel (leading, sole or led junior, as appropriate), except where a solicitor has been involved in the preparation of the case. In these circumstances, the fee of the solicitor who prepared the case would be subject to a reduction. The existing position in the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005, is that the fee paid to a solicitor who prepared the case is reduced by 10%.

In respect of civil cases, the fees paid to solicitors exercising their proposed new rights of audience in the Court of Appeal and the High Court will be subject to taxation by the Taxing Master who has responsibility for determining the fees payable in individual cases at those court tiers.

In relation to County Court cases, the Northern Ireland Legal Services Commission has adopted the County Court Scale Costs as set out in the County Court Rules (Northern Ireland) 1981. Order 55 of the Rules provides for an enhanced fee where a solicitor conducts a trial or hearing without counsel. The amount of the enhanced fee is 50% of the relevant fee to which counsel would have been entitled under the Rules.

The Legal Services Commission has responsibility for the remuneration of solicitors in all other civil cases not subject to taxation or the County Court Scale Costs.

Appointments to Public Bodies and Arm's-Length Bodies

Mr G Campbell asked the Minister of Justice to detail the number and names of individuals that have been appointed to (i) public bodies; and (ii) arms-length bodies since May 2007.

(AQW 4505/11)

Minister of Justice: The Department of Justice came into existence on 12 April 2010. Since that date the Department has made (i) no appointments to public bodies; and (ii) twenty appointments to the following arms-length bodies:

Name of Arm's-Length Body	Name of Individual	Date of Appointment
Independent Monitoring Board – HM Prison Maghaberry	Alfred Abolarin	1 July 2010
	Ahmed Khamassi	
	Amran Hussein	
	Margaret McCauley	
	Phillip Lees	
	Sally Cunningham	
	Valerie McConnell	
Independent Monitoring Board – HM Prison Magilligan	Joan Burke	1 July 2010
	Bernadette McCollum	
	Brian Doherty	
	Patrick McAteer	
	Paul Devlin	
	Peter Martin	
Independent Monitoring Board – HM Young Offenders Centre – Hydebank Wood	Christine Allen	1 July 2010
	Christine Stoll	
	Joe Irvine	
	Judy O'Loan	
	Linda Williamson	
	Michael Love	
	Natasha Francis	

Persons Charged with Committing Sexual Offences

Lord Morrow asked the Minister of Justice whether he intends to introduce a ban on the publication of names of persons charged with committing sexual offences up to or until conviction.

(AQW 4519/11)

Minister of Justice: There are no plans to introduce a ban on the publication of names of persons charged with committing sexual offences up to or until conviction.

Department for Regional Development

Tender C 398

Mr G Savage asked the Minister for Regional Development, pursuant to AQW 1843/11, (i) whether NI Water can provide an assurance that tender C 398 represents best value for money; and (ii) to outline the process followed in carrying out the tender evaluation, including who carried it out and at what level.

(AQW 3460/11)

Minister for Regional Development (Mr C Murphy): I have been advised by Northern Ireland Water (NIW) that legal proceedings have been issued in relation to tender C 398 and in these circumstances it is inappropriate to comment further on this matter pending determination of such proceedings.

Meetings of the Board of NI Water

Mr C McDevitt asked the Minister for Regional Development to detail the dates and attendance lists for each meeting of the Board of NI Water between 1 January 2010 and 10 January 2011.

(AQW 4107/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the dates and attendance lists for its Board meetings during the period requested, are as detailed in the table below. The minutes have yet to be approved for Board meetings held on 4 and 5 January 2011.

Date	Board Member Attendance
29 January 2010	Chris Mellor John Ballard George Butler Ronan Larkin
3 February 2010	Chris Mellor Donald Price John Ballard Ruth Thompson Laurence MacKenzie George Butler Ronan Larkin
17 February 2010	Chris Mellor Declan Gormley Donald Price John Ballard Ruth Thompson Laurence MacKenzie George Butler
25 February 2010	Chris Mellor Donald Price John Ballard Laurence MacKenzie Ronan Larkin

Date	Board Member Attendance
4 March 2010	Chris Mellor John Ballard Declan Gormley Donald Price Ruth Thompson Laurence MacKenzie George Butler Ronan Larkin
29 March 2010	Donald Price Laurence Mackenzie Ronan Larkin
30 March 2010	Donald Price Laurence MacKenzie Ronan Larkin George Butler
1 April 2010	Donald Price Laurence MacKenzie Ronan Larkin
10 May 2010	Donald Price George Butler Ronan Larkin
20 May 2010	Don Price Laurence MacKenzie Ronan Larkin Sara Venning
21 May 2010	Laurence MacKenzie George Butler Ronan Larkin Sara Venning
21 June 2010	Donald Price Laurence MacKenzie George Butler Sara Venning

Date	Board Member Attendance
24 June 2010	Donald Price Kevin Steele Laurence MacKenzie George Butler Ronan Larkin Sara Venning
2 July 2010	Donald Price Kevin Steele Laurence MacKenzie George Butler Ronan Larkin Sara Venning
29 July 2010	Kevin Steele Lawson McDonald Mairtin O'Muilleoir Peter Bunting Laurence MacKenzie George Butler Ronan Larkin Sara Venning
9 August 2010	Donald Price Lawson McDonald Kevin Steele Laurence MacKenzie George Butler Ronan Larkin Sara Venning
30 September 2010	Padraic White Donald Price Kevin Steele Lawson McDonald Mairtin O'Muilleoir Peter Bunting Laurence Mackenzie George Butler Ronan Larkin Sara Venning

Date	Board Member Attendance
28 October 2010	Padraic White Kevin Steele Mairtin O'Muilleoir Peter Bunting Laurence Mackenzie George Butler Ronan Larkin Sara Venning
5 November 2010	Padraic White Kevin Steele Lawson McDonald Laurence Mackenzie George Butler Sara Venning
25 November 2010	Padraic White Donald Price Kevin Steele Lawson McDonald Mairtin O'Muilleoir Peter Bunting Laurence Mackenzie George Butler Ronan Larkin Sara Venning
30 November 2010	Padraic White Kevin Steele Laurence Mackenzie George Butler Ronan Larkin Sara Venning
13 December 2010	Padraic White Donald Price Kevin Steele Lawson McDonald Laurence MacKenzie Ronan Larkin Sara Venning

Date	Board Member Attendance
20 December 2010	Padraic White Donald Price Kevin Steele Lawson McDonald Peter Bunting Laurence MacKenzie Ronan Larkin Sara Venning
31 December 2010	Padraic White Lawson McDonald Laurence MacKenzie Peter Bunting Ronan Larkin Sara Venning

Contracts Claimed to be in Breach of Procurement Procedures

Mr J Dallat asked the Minister for Regional Development to detail the total value of the contracts claimed to be in breach of procurement procedures on 12 March 2010.

(AQW 4157/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that the total value of the 75 contracts in breach of procurement procedures on 12 March 2010 was £29.4 million. Following validation by NIAO this figure was adjusted by £1.9 million to £31.3 million. This total generally only includes irregular expenditure incurred from 1 April 2007 until the date the financial reports were ran during the respective audits in December 2009 and January 2010.

Water Shortage Crisis

Mr J Dallat asked the Minister for Regional Development to outline the methodology used by NI Water to determine the number of (i) domestic; and (ii) non-domestic properties that had their water supply restored after the recent water shortage crisis.

(AQW 4216/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that the water distribution network in Northern Ireland is divided in District Meter Areas and for each of these areas, NIW has details of domestic and non-domestic properties. Using this information NIW can determine which properties are affected by any interruption to supply.

Water Shortage Crisis

Mr J Dallat asked the Minister for Regional Development (i) whether experienced NI Water staff were called in or diverted from other sections to assist in the recent water shortage crisis, and if not, to detail the reasons why; and (ii) how many staff had their business mobile phones removed in the period prior to the crisis.

(AQW 4217/11)

Minister for Regional Development: The Executive review of the response to the recent emergency, which will report at the end of February, will cover the type of issue you have raised in relation to staffing.

I have been advised by Northern Ireland Water (NIW) that 189 mobile phones were withdrawn from staff following a review during 2010. The review identified a number of employees with a mobile phone who did not meet the qualifying criteria, as many were office based in non mobile roles and who were not part of an “on call” rota.

In light of the freeze/thaw incident, NIW is carrying out a further review of the deployment of mobile phones to determine whether amendments to qualifying criteria are required.

NI Water: Procurement Breaches

Mr P McGlone asked the Minister for Regional Development, pursuant to AQW 3894/11, to detail (i) when each procurement breach began; and (ii) at what level and on which date each of the contracts were authorised.

(AQW 4228/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that (i) the date when each procurement breach began and (ii) the level and date of authorisation of each contract (excluding 50 contracts which involved expenditure without a contract), is as set out in the table below.

No	Contractor	Date Procurement Breach Began ¹	Date contract authorised ²	Level of Authorisation
Contracting Out IA review September 2009				
1	Contracting Out LLP	10/04/2007	10/04/2007	Chief Executive
Contracts Approval IA review January 2010				
2	PwC – Customer Services Contract Office Support	29/03/2007	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
3	Enterprise Managed Services Ltd	01/05/2009	25/01/2007	Director
4	SIAE UK	01/04/2007	29/04/2004	Director
5	Huber Technology	27/03/2006	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
6	AON Risk Services	04/04/2008	27/03/2007	Director
7	Mobile & Separation Equipment Ltd	30/09/2008	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
8	IT Project Recovery Ltd	28/11/2005	No Contract in Place	Each transaction approved in line with Financial Delegation Policy

No	Contractor	Date Procurement Breach Began¹	Date contract authorised²	Level of Authorisation
9	Pentagon	09/07/2008	03/07/2008	Level 3
10	PWC – Billing & Revenue support	04/07/2007	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
11	Bespoke Performance Management Limited	01/08/2007	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
12	RMS Enterprises Ltd	01/04/2007	23/04/2008	Level 3
13	Northern Ireland Computing Ltd	25/09/2008	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
14	CLN Solutions Ltd	05/01/2009	05/01/2009	CEO
15	MCG Services (NI) Ltd	01/04/2008	(1) 25/04/08 (2) 10/02/09	(1) Level 3 (2) Director
16	FL SMIDTH KOCK GMBH	23/11/2006	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
17	Crumlin Plant Sales Ltd	15/12/2005	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
18	OLLAVE LTD	N/A	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
19	AON Risk Services	02/03/2007	21/12/2007	Director
20	Grontmij Ltd	21/01/2009	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
Opex and Capex deep dive IA reviews March 2010				
21	Atkins	12/03/2002	12/03/1999	Director
22	Various suppliers – C038 Minor Civil Engineering Works	01/04/2006	10/05/2004	Level 3
23	Atkins – zonal studies	12/03/2002	12/03/1999	Director
24	Kennedy Recruitment	01/10/2007	11/03/2005	Director

No	Contractor	Date Procurement Breach Began¹	Date contract authorised²	Level of Authorisation
25	Various suppliers – C057 Light Mechanical maintenance, fabrication and repair work	07/10/2008	06/09/2005	Director
26	Orion Engineering Services	07/06/2006	01/06/2001	File Destroyed
27	Various suppliers – C241 supply, delivery, installation and repair of submersible pumps	23/02/2007	30/03/2005	Director
28	Northsec Security	23/09/2008	27/10/2005	Director
29	PwC – HR Strategy	14/08/2006	26/03/2007	Level 3
30	Various suppliers – C018 Collection, transportation and disposal of controlled waste by Skips	15/05/2006	09/07/2003	Director
31	Flow Technology Services	15/12/2005	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
32	Dundas & Wilson	12/09/2008	05/09/2006	Level 3
33	Helm Corporation Ltd	01/04/2007	10/04/2006	Level 3
34	Intapeople	01/10/2006	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
35	CJJM Partnership	03/09/2007	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
36	Eimco Water Technologies Ltd	18/01/2006	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
37	AH Fuel Oil Ltd	15/12/2005	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
38	Alexander HR	20/12/2005	No Contract in Place	Each transaction approved in line with Financial Delegation Policy

No	Contractor	Date Procurement Breach Began¹	Date contract authorised²	Level of Authorisation
39	Ashbrook Simon - Hartley Ltd	16/01/2008	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
40	Vector Resourcing	23/08/2007	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
41	G2 Environmental Services Ltd	26/06/2007	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
42	DP Contracting	26/02/2007	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
43	NEUDEA	29/06/2007	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
44	Irwins Quality Aggregates	01/04/2008	01/05/2003	CEO (acting)
45	Nutition Ltd	03/11/2007	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
46	Eden Decorators	01/04/2007	01/03/2004	Director
47	Practical Planning Ltd	30/11/2007	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
48	TUV NEL Ltd	02/04/2007	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
49	MTA Components	22/12/2005	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
50	Develop Training Ltd	15/12/2008	No Contract in Place	Each transaction approved in line with Financial Delegation Policy

No	Contractor	Date Procurement Breach Began¹	Date contract authorised²	Level of Authorisation
51	NUEDEA	12/10/2009	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
52	Micronics Filtration	16/03/2006	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
53	Valtork	22/12/2006	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
54	Saville Machinery	11/07/2005	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
55	Oeltechnik	01/12/2009	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
56	Serck Control Ltd	01/04/2009	01/04/2006	Director
57	Trojanuv Technologies UK Ltd	19/12/2007	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
58	JP Corry (NI) Limited	14/11/2005	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
59	BC Plant Ltd	15/12/2005	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
60	ISEKI Vacuum Systems Ltd	13/05/2007	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
61	Universal Mineral Supplies Ltd	12/07/2006	No Contract in Place	Each transaction approved in line with Financial Delegation Policy

No	Contractor	Date Procurement Breach Began¹	Date contract authorised²	Level of Authorisation
62	BPC Magazines Ltd	10/04/2007	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
63	JBS Engineering	17/10/2007	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
64	RS Components Ltd	07/06/2005	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
65	HR Holfield Ltd	24/11/2005	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
66	Basement Textiles	13/02/2007	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
67	Aesseal (McK) Ltd	07/03/2008	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
68	Universal Communi Riggers	11/12/2007	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
69	Pump and Value Services	08/01/2008	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
70	Eventful Consultancy	19/04/2007	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
71	Love PR	31/12/2007	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
72	Wodehouse Direct	28/01/2007	No Contract in Place	Each transaction approved in line with Financial Delegation Policy

No	Contractor	Date Procurement Breach Began ¹	Date contract authorised ²	Level of Authorisation
73	R Hall Marketing	29/10/2008	No Contract in Place	Each transaction approved in line with Financial Delegation Policy
74	Quickstart training	11/05/2009	No Contract in Place	
75	Sacker & Partners	01/05/2008	03/05/2005	CEO

- 1 The dates have been taken from the NIAO report entitled "Examination of Procurement Breaches in Northern Ireland Water" dated 9 December 2010.
- 2 The dates have been taken from the NIAO report entitled "Examination of Procurement Breaches in Northern Ireland Water" dated 9 December 2010

Research and Development

Mr C Lyttle asked the Minister for Regional Development how much his Department spent on research and development in each of the last five years.

(AQW 4238/11)

Minister for Regional Development: My Department has spent a total of £629,881 on research and development over the last five years since 2006/2007. The figures are as follows:

Year	Expenditure on Research & Development
2006/2007	£406,994
2007/2008	£17,250
2008/2009	£130,302
2009/2010	£63,835
2010/2011	£11,500 (to date)
Total	£629,881

Six Mile Water River

Mr D Kinahan asked the Minister for Regional Development to detail all readings in relation to discharges into the Six Mile Water river from the Ballyclare Waste Treatment Works on (i) 1 January 2010 to 1 February 2010; and (ii) 1 January 2011 to 1 February 2011.

(AQW 4266/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that Ballyclare Waste Water Treatment Works operates under a formal Water Order Consent established by Northern Ireland Environment Agency (NIEA) which sets out the standards for discharges from the works to the Six Mile Water river.

Due to an incident on the river over the weekend of 22 – 23 January 2011, NIEA are conducting an investigation and NIW have been advised that they will be required to provide a Statement under Caution. This is to provide relevant information around the incident and it is the normal practice for an incident of this type. NIW will have 28 days to provide their response. One possible outcome of the investigation may be that NIEA will take legal action against NIW and therefore it would at this stage not be appropriate to release information which might prejudice the investigation. Consequently, while

this investigation is underway NIW will avoid the risk of prejudicing the investigation by limiting the information on discharges to what is available in the public domain.

Under the Ballyclare Wastewater Treatment Works Water Order Consent there are 3 consented discharge points from the works to the river:-

- The tertiary treated waste water which has been treated through the membrane treatment process and discharges through the effluent discharge point;
- The screened, settled storm waste water which normally operates in storm conditions, when the storm tanks are full, and overflows from the storm tanks to discharge to the river; and
- The screened storm waste water from the combined storm overflow chamber, where overflows in excess of 338litres/sec, as a result of storm events, discharge over a storm overflow weir, and through a storm screen, to the river.

Only Discharge (a) which is a continuous discharge, has quality standards set within the consent. Discharges (b) and (c) may operate in wet weather (storm) conditions and are considered intermittent discharge points.

Water Order Consent

The Water Order Consent numeric discharge standard for the tertiary treated waste water is:-

Biochemical Oxygen Demand (BOD)	10 mg/litre;
Suspended Solids (SS)	15 mg/litre;
Ammonia (NH3)	1.5 mg/litre.

In addition to these 3 key parameters, the discharge standard also sets limits on total phosphorus (Total P), pH, iron (Fe), aluminium (Al), copper (Cu), zinc (Zn) and other chemicals.

The Ballyclare works is sampled independently and in accordance with the NIEA approved sampling programme. All analyses are carried out in a United Kingdom Accreditation Service (UKAS) accredited laboratory, which is certified to International Standards Organisation (ISO) 17025 standard. The Water Order Consent audit sample results, covering the periods requested, are as follows:

Sample Date	BOD	SS	NH3	Al	Cu	pH	Fe	Total P	Zn
27 January 2010	1	1.1	<0.094			7.1		<0.489	
12 January 2011	1	0.4	0.10			7.0		<0.489	
26 January 2011	1	0.1	0.23	0.01819	0.00111	6.6	0.3155	<0.489	0.01753

Note: All results are in mg/litre.

Urban Waste Water Treatment Regulations

There is also a requirement that the discharges from the works should comply with the requirements of the Urban Waste Water Treatment Regulations (UWWTR). The discharge standard under UWWTR is:

Biological Oxygen Demand (BOD)	25 mg/litre;
Chemical Oxygen Demand (COD)	125 mg/litre; and
Total Phosphorus (Annual Average)	2 mg/litre.

The UWWT sample results for the periods requested are as follows:

Date of Sample	BOD (mg/l)	COD (mg/l)
11 January 2010	2	42
12 January 2011	1	12

Hamlet of Tattyreagh

Mr B McElduff asked the Minister for Regional Development when the hamlet of Tattyreagh will be provided with a waste water treatment works to meet the needs of the community and to enable local development.

(AQW 4272/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that during 2009 a poll of local residents of Tattyreagh was undertaken to determine their willingness to connect to a sewerage system should it be provided. Some of the residents indicated that they would not wish to connect to any proposed network. The current estimated cost of providing a suitable sewage treatment facility and network is £2.2 million and those who would benefit from connection to the system would be required to contribute to the overall cost.

In view of the high cost of the project and the relatively few residents required to contribute, the cost per resident is likely to be excessively high. In the circumstances, NIW does not intend to actively pursue the proposal, but will review the various aspects of cost, contributions, etc. should residents seek to requisition the sewer.

Proposed Dual Carriageway Between Ballymena and Ballymoney

Mr P Frew asked the Minister for Regional Development for an update on the proposed dual carriageway between Ballymena and Ballymoney on the A26 Frosses Road, between Glarryford and Drones Road, including the expected start date.

(AQW 4313/11)

Minister for Regional Development: My Department's Roads Service is progressing plans for the provision of a 7km stretch of dual carriageway on the A26, between Glarryford and the A44 Drones Road. This is one of the major projects included in the ten year Investment Delivery Plan for Roads.

Unfortunately, the funding levels envisaged in the draft budget will not enable construction to start in the next four year period. The timing of delivery will be dependent on the allocation of finances beyond the Budget 2010 period. However, in the meantime, Roads Service will continue to develop the scheme through the normal statutory processes.

Rural Road Improvements and Repairs

Mr P McGlone asked the Minister for Regional Development, pursuant to AQW 3641/11, to provide a breakdown of what the additional funding allocated to Roads Service was spent on, broken down by District Council area.

(AQW 4335/11)

Minister for Regional Development: My Department's Roads Service has advised that the additional funding received for roads maintenance was used for both Structural Maintenance and Resource activities and was allocated to its Divisions in stages between October 2010 and late January 2011.

The additional Structural Maintenance funding has been primarily targeted at resurfacing works. The Resource funding has been targeted at meeting the additional costs incurred in delivering Winter Service and routine maintenance activities, as well as dealing with other Divisional pressures.

A breakdown of how this additional funding will be used on Structural Maintenance and Resource activities, by District Council area, is detailed in the table below:

Western Division		
Council Area	Structural Maintenance (£'000)	Resource Activities (£'000)
Magherafelt	220	149
Omagh	463	192
Cookstown	221	68
Dungannon	354	182
Fermanagh	399	210
Strabane	295	151
Southern Division		
Council Area	Structural Maintenance (£'000)	Resource Activities (£'000)
Ards	365	168
Armagh	348	195
Banbridge	379	168
Craigavon	322	172
Down	293	185
Newry and Mourne	323	195
<p>In addition to the above, £200,000 of additional funding will be used on Traffic Schemes and £453,000 will be used on Winter Service.</p> <p>This funding will be divided across all Council areas in Southern Division.</p>		
Eastern Division		
Council Area	Structural Maintenance (£'000)	Resource Activities (£'000)
Belfast	590	230
Newtownabbey	240	47
Carrickfergus	120	23
Castlereagh	0	100
North Down	230	100
Lisburn	231	218
<p>In addition to the above, £100,000 of additional funding will be used on Environmental Works and £71,000 will be used on Winter Service.</p> <p>This funding will be divided across all Council areas in Eastern Division.</p>		
Northern Division		
Council Area	Structural Maintenance (£'000)	Resource Activities (£'000)
Antrim	325	162

Coleraine	510	231
Limavady	240	184
Moyle	40	60
Ballymoney	107	109
Londonderry	130	195
Ballymena	308	208
Larne	50	107

Fixed Penalty Notices

Lord Morrow asked the Minister for Regional Development, pursuant to AQW 3783/11, how many fixed penalty notices were successfully appealed.

(AQW 4374/11)

Minister for Regional Development: My Department's Roads Service has advised that while it maintains details of Penalty Charge Notices (PCNs) issued for individual towns, details of challenges, representations and appeals made against PCNs are not collated on a similar town by town basis. However, details for all PCNs issued in the North are available and details for the 9 month period, 1 April 2010 to 31 December 2010, are provided in the table below. The table also includes details of the number of challenges, representations and appeals which were successful.

PENALTY CHARGE NOTICES (PCNS) ISSUED BETWEEN - 1 APRIL 2010 AND 31 DECEMBER 2010

PCNs Issued	87,989
Number of Challenges	11,470
Successful Challenges	6,847
Number of Representations	3,132
Successful Representations	634
Number of formal Appeals	200
Successful Appeals	51

Coleraine Bus and Rail Station

Mr J Dallat asked the Minister for Regional Development to detail any plans he has to increase car parking spaces, for rail travellers, at the Coleraine bus and rail station.

(AQW 4380/11)

Minister for Regional Development: Translink's current capital plans include provision for Park and Ride improvements at Coleraine railway station during the CSR period. However, Translink is in the process of reviewing these plans to take account of the draft budget proposals. This might lead to a reprioritisation of the projects they can take forward. These will be agreed with my Department as part of the process to approve Translink's Corporate Plan.

These plans will of course be subject to the usual statutory processes, including resolution of any relevant land issues.

Public Lighting in Rural Housing Settlements

Mr J Dallat asked the Minister for Regional Development to detail any plans he has to review the criteria for the provision of public lighting in rural housing settlements.

(AQW 4381/11)

Minister for Regional Development: My Department's Roads Service uses two main criteria when considering the provision of street lighting in rural areas:

- the density of housing within a community, including public buildings with significant night time use; and
- road safety, where street lighting would contribute to a reduction in the number of night-time accidents.

These criteria serve to balance the demand for more rural lighting against the unwelcome effects of increased urbanisation of the countryside, the environmental impact of night sky light pollution on people, wildlife and flora, and the financial costs of providing and maintaining additional public lighting installations.

The policy for provision of road lighting in rural locations was relaxed in 2002, so that any public building with significant evening use within a community could be counted as two dwellings, when applying the housing density criteria. I have no plans for a further review of the criteria at this time.

Belfast to Newtownards Dual Carriageway

Mr S Hamilton asked the Minister for Regional Development to detail (i) how much Roads Service has invested in the Belfast to Newtownards dual carriageway in each of the last two financial years; (ii) what each scheme entailed; and (iii) what plans are in place for further investment.

(AQW 4386/11)

Minister for Regional Development: My Department's Roads Service has advised that details of the amount invested and the work carried out on the Belfast to Newtownards dual carriageway, in 2009/10 and 2010/11, to date, are included in the table below:

EXPENDITURE ON THE BELFAST TO NEWTOWNARDS DUAL CARRIAGEWAY

Financial Year	Expenditure	Details of the Scheme
2009/10	£116,000	Resurfacing work (including kerbing, lining,) was carried out on a 600 metre stretch of the Belfast bound carriageway between the council sign and the Belfast Road.
2010/11	£717,000	Resurfacing work (including kerbing, lining, vehicle crash barrier) was carried out on the 4 kilometre stretch of the Newtownards bound carriageway between Belfast Road and the roundabout at Blair Mayne Road (North/South).
	£190,000	Resurfacing work (including kerbing, lining, vehicle crash barrier) was carried out on a 1.26 kilometre stretch of the Belfast bound carriageway between the roundabout at Blair Mayne Road (North/South) and Ballyrainey Road.

With regard to what plans are in place for future years, I am further advised that Roads Service are planning to complete a resurfacing scheme on the remaining stretch of the Belfast bound carriageway from Ballyrainey Road to the council sign near Dundonald. It is anticipated that this work will be carried out during the 2011/2012 financial year.

Family Parking Spaces in Public Car Parks

Mr S Hamilton asked the Minister for Regional Development to outline the legal requirements for the provision of family parking spaces in public car parks.

(AQW 4399/11)

Minister for Regional Development: My Department's Roads Service operates its off-street car parks under the Off-Street Parking Order NI (2000), within which, there is no power to make specific provision for parents with children.

Black Arch on the Coast Road, Drainsbay

Mr D Hilditch asked the Minister for Regional Development to outline the progress on the installation of replacement lighting beside the Black Arch on the Coast Road, Drainsbay.

(AQW 4408/11)

Minister for Regional Development: My Department's Roads Service has advised that a meeting with members of Larne Borough Council is likely to take place during week commencing 28 February 2011, to determine if this matter can be progressed.

Roads Service's Proposed Legislation

Mr D Hilditch asked the Minister for Regional Development to outline the progress on the Roads Service's proposed legislation allowing local authorities to close roads in their area for special events.

(AQW 4409/11)

Minister for Regional Development: My Department's Roads Service has advised that the primary legislation to enable district councils to close roads for special events is in place. A commencement order, which will bring the relevant provisions into operation, is currently being prepared.

Roads Service is also preparing guidance for use by councils and promoters, when planning and organising events.

It is anticipated that both the commencement order will be made and guidance prepared by June 2011.

Wastewater Improvement Scheme in Ballyhalbert

Miss M McIlveen asked the Minister for Regional Development for an update on the Wastewater Improvement Scheme in Ballyhalbert, including the expected completion date.

(AQW 4446/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that the new wastewater treatment works at Ballyhalbert is currently undergoing final testing and commissioning. It is anticipated that it will be operational by April 2011.

Damage to Vehicles as a Result of the Condition of Roads

Mr P McGlone asked the Minister for Regional Development how many claims have been brought against Roads Service for damage caused to vehicles as a result of the condition of roads, in each District Council area, in each of the last five years.

(AQW 4572/11)

Minister for Regional Development: My Department's Central Claims Unit maintains accident statistic information on a Roads Service Section Office basis. Roads Service Section Office areas correspond approximately with District Council areas. Disproportionate expense would be incurred in reviewing claim files and mapping claims against exact District Council boundaries. For this reason the claim information is presented on a Section Office basis and is set out in the table below.

VEHICLE DAMAGE CLAIMS RECEIVED

Roads Service Section Office	2005/06	2006/07	2007/08	2008/09	2009/10
Antrim	57	42	29	35	56
Ards	63	81	85	73	151
Armagh	49	59	54	69	93
Ballymena & Larne	96	73	73	80	149
Ballymoney & Moyle	45	32	46	48	50
Banbridge	40	55	35	67	61
Belfast North	36	39	54	44	41
Belfast South	40	57	59	66	62
Castlereagh	23	22	27	35	17
Coleraine	37	40	46	47	40
Cookstown	37	61	70	115	189
Craigavon	66	78	75	38	58
Down	62	66	66	56	119
Dungannon	55	88	81	128	123
Fermanagh	68	72	88	135	135
Limavady	6	20	15	16	15
Lisburn	116	122	141	182	256
Londonderry	37	41	39	40	80
Magherafelt	22	41	19	34	91
Newry & Mourne	126	183	126	156	278
Newtownabbey & Carrickfergus	69	68	62	117	122
North Down	27	17	23	22	35
Omagh	52	93	110	252	250
Strabane	17	25	29	27	14
Strangford Ferry	0	0	1	1	1
Total	1,246	1,475	1,453	1,883	2,486

Coleraine to Londonderry Track Relay

Mr G Robinson asked the Minister for Regional Development if and when the planned work on the Coleraine to Londonderry track relay will commence.

(AQW 4595/11)

Minister for Regional Development: The draft budget proposals make provision for the commencement of the Coleraine to Derry Track relay in 2014. This reflects estimated capital availability over the period as well as the practicalities of trying to complete this project before the start of the City of Culture year in January 2013.

Translink are currently identifying interim measures to be undertaken to ensure the continued running and safety of the line up until 2014. Funding has been provided for this purpose.

NI Water: Reservoirs

Mr P Weir asked the Minister for Regional Development if NI Water has any plans to sell its reservoirs in (i) 2010/11; and (ii) 2011/12.

(AQW 4596/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that no reservoirs will be sold during the 2010/11 financial year. During 2011/12, NIW plans to dispose of the reservoirs listed below, which have all been declared no longer required for future use.

	Site Name	Address
1	Craigahulliar Impounding Reservoir	Craigahulliar Rd., Portrush
2	Ballyversall Impounding Reservoir	Ballyversal Rd. Coleraine
3	Crockacleaven Lough	Crockacleaven, Clougher
4	Ballydoolagh IR & WTW	Enniskillen
5	Lough Na Blaney Bane	Cullamore, Clougher
6	Lough Cowey IR & WTW	Deerpark Road, Portaferry
7	Boomers Reservoir	Derriaghy Road, Lisburn

In identifying and declaring these reservoirs suitable for disposal, NIW must ensure that any disposal will not have an adverse impact on current or future provision of water and wastewater services. NIW adheres to the general principle that public bodies should limit their holdings of land and buildings to a minimum required for their present and clearly foreseen responsibilities.

Legal Parking of Private Taxis

Dr A McDonnell asked the Minister for Regional Development to detail (i) the size and composition of the enforcement team responsible for ensuring the legal parking of private taxis; (ii) the number of related penalties issued in the last 12 months; and (iii) what percentage of these penalties relate to violations of public taxi hire ranks.

(AQW 4617/11)

Minister for Regional Development: My Department's Roads Service has advised that there is no dedicated enforcement team to ensure the legal parking of private hire taxis. Approximately 117 traffic attendants are deployed each day to enforce the contravention of waiting restrictions against all vehicles, including private and public hire taxis.

When issuing a Penalty Charge Notice (PCN), Traffic Attendants do not collect information that would identify if that PCN has been issued to a private hire taxi. However, in the twelve months from 1 February 2010 to 31 January 2011, 1,585 PCN's have been issued to vehicles which have been parked illegally on public hire taxi ranks.

Directors of NI Water

Mr J Dallat asked the Minister for Regional Development whether he is aware of the existence of emails, relating to a sacked non-executive director and two directors of NI Water, which were sent to the then CEO of NI Water by the current Director of Customer Delivery Services prior to her appointment to that role; and if so, whether they will be made available to persons charged with carrying out a review of NI Water.

(AQW 4623/11)

Minister for Regional Development: I was not aware of the existence of the emails you refer to until the DRD Private Office and the DRD Permanent Secretary were copied into an email (with the emails you refer to attached) from Mr Declan Gormley to the NI Water Director of Customer Service Delivery on 14 February 2011. As these emails are linked to the review of Northern Ireland Water's procurement governance failings, and as Mr Gormley has not been a member of the NI Water Board since March 2010, they do not appear to be relevant to the current reviews which focus specifically on the recent major water supply incident. I therefore do not plan to circulate them further, although the Private Office has asked to be copied into the response to Mr Gormley's email of 14 February 2011.

Potholes

Mr J Bell asked the Minister for Regional Development, given the health and safety risks and the damage to vehicles as a result of potholes, whether he intends to prioritise and publish a pothole repair timetable for the following areas (i) Newtownards; (ii) Ballygowan (iii) Saintfield; and (iv) the Ards Peninsula.

(AQW 4777/11)

Minister for Regional Development: Although the Member has enquired about four specific locations, I am advised that the deterioration of the road network, following the recent period of severe cold weather, has resulted in a proliferation of potholes throughout the North including the Ards and Down Council areas. I can also assure him that my Department's Roads Service seeks to address these problems on a Council-wide basis.

Roads Service already has in place an ongoing cyclical inspection and repair regime which makes provision for the identification and subsequent repair of potholes on a prioritised basis, within timescales set out in Roads Service's Maintenance Guidelines. It also responds to reports of defects notified by members of the public. As this arrangement results in repair target dates for each individual defect, rather than for each specific area, and work plans are subject to ongoing changes in light of the information received, it would not be practical to publish a pothole repair timetable.

It is, however, fully accepted that a speedy response is both prudent and necessary to address the problem of widespread pothole formation on public roads in all areas, including the Ards and Down Council areas. To this end, Roads Service has engaged an external contractor to carry out road repairs, in addition to those undertaken by its own internal contractor operation.

I can also confirm that since the period of extreme cold weather, Roads Service's local Section Offices in the Ards and Down Council areas, have each received additional funding in excess of £500,000 for resurfacing, carriageway patching and refurbishment. This funding will be very beneficial in helping to address many of the problems currently being experienced where, in many instances, the recent severe weather conditions have been a significant contributory factor.

Department for Social Development

Grit or Salt Bins

Ms S Ramsey asked the Minister for Social Development (i) to list the location of the grit or salt bins provided to Housing Associations and folds in West Belfast; (ii) to outline the criteria used when deciding where salt or grit bins should be placed; and (iii) how often these bins are filled.

(AQW 4004/11)

Minister for Social Development (Mr A Attwood): I assume the Member is referring to grit boxes provided in Housing Associations, not on Roads Service adopted areas. Housing Associations have provided the following information set out in the table below:-

Housing Association	(i) Location	(ii) Criteria for deciding where salt bins placed	(iii) How often bins filled
Alpha	Wilton Court, Belfast	Alpha's policy is to provide salt bins at sheltered schemes, and to place them in the most convenient, easily accessible, safe and secure location.	Scheme managers check bins weekly during the winter months. Checks are carried out more frequently during severe weather. The bins are refilled as necessary by the Association's handyman.
Ark	Conor House, Stewartstown Road, Belfast	Factors taken into account include accessibility, as well as through consultation with residents and staff on site who know the problem areas.	Bins filled usually annually, and in late autumn early winter, or if refills are required, as and when; monitored by scheme supervisors.
Clanmil	Airfield House, Glen Road; and Miller's Grove, Glen Road	Grit boxes are provided at all independent living schemes, all Category 1 schemes, all supported housing schemes and all housing with care schemes.	The bins are filled annually in the lead up to Winter, and then on an 'as required' basis when reported to Clanmil's Maintenance Department.

Housing Association	(i) Location	(ii) Criteria for deciding where salt bins placed	(iii) How often bins filled
<p>Fold (the Association has taken the parliamentary/constituency boundary as postcodes BT11, 12, 13 & 17)</p>	<p>Glenowen Court, 177A Andersonstown Road, Belfast, BT11 9EA</p> <p>Fruithill Fold, 69 Andersonstown Road, Belfast, BT11 9AH</p> <p>Tearmann Fold, 59 Andersonstown Road, Belfast, BT11 9AH</p> <p>Arundel Walk, Grosvenor Road, Belfast, BT12 5RA</p> <p>Beit Street, Belfast, BT12 5QF</p> <p>Divis Street, Belfast, BT12</p> <p>Iris Close, Springfield Road</p> <p>Roden Street, Belfast, BT12 5QE</p> <p>Sliabh Dubh Manor</p> <p>Sliabh Dubh View, Springfield Road, Belfast BT12 7SD</p>	<p>Grit bins are sited at all locations. In exceptionally prolonged periods of snow and ice, Fold instruct additional gritting by their contractors.</p>	<p>The grit is ordered early in the autumn and the bins are filled as and when required subject to availability at suppliers. The salt/gritting is normally carried out by the scheme co-ordinator and/or on a voluntary basis by visitors and residents.</p>

Housing Association	(i) Location	(ii) Criteria for deciding where salt bins placed	(iii) How often bins filled
	<p>Sliabh Dubh Walk, Springfield Road, BELFAST</p> <p>Springhill Grove, Belfast, BT12</p> <p>Whiterock Close, Belfast, BT12 7FE</p> <p>Ardmoulin Mews,</p> <p>1 Ardmoulin Terrace, Belfast, BT12 4SE</p> <p>Cullingtree Fold, 26 Falls Road, Belfast, BT12 4UD</p> <p>Iverna Fold, Iverna Street, Belfast, BT12 5PP</p> <p>Percy Street, Belfast, BT13 2HT (Divis Street)</p> <p>Forthriver Fold, Forthriver Way, Belfast, BT13 3FR</p> <p>Foxes Glen, Stewartstown Road, Dunmurry, BT17</p> <p>Lagmore Gardens, Stewartstown Road, Dunmurry, BT17 OGE</p> <p>Lagmore Heights, Stewartstown Road, Dunmurry, BT17 OGE</p> <p>Kingsway Fold, 246 Kingsway, Dunmurry, BT17 9BP</p>		

Housing Association	(i) Location	(ii) Criteria for deciding where salt bins placed	(iii) How often bins filled
Harmony Homes	Mount Eden Court 129/131 Woodvale Road, Belfast BT13 3BP Cambrai Court 258 Cambrai Street Belfast BT13 3XA McCallum Court 78 Woodvale Road Belfast BT13 3BU	Grit bins are provided in sheltered schemes at present. Locations are selected on the basis of the layout of the scheme.	Filled at the beginning of the winter period, usually in September and monitored by the scheme supervisors on a weekly basis to ensure that they are refilled as and when required.
Helm	Helenswood Court, Stewartstown Road Pinetree Manor, Twinbrook Cloverhill, Stewartstown Road	If the road is subject to ice and residents deemed to be vulnerable (i.e. Older Persons)	As and when required.
Oaklee	Mill Court, Falls Rd Bleach Green, Whiterock Blacks Court, Blacks Rd Benraw Green, Andersonstown	No formal criteria. Bins are generally placed where identified by local Housing or Maintenance Officers.	Oaklee's maintenance team monitors the stocks as the winter progresses. Oaklee's staffed shelter housing sites also hold bagged salt supplies which is spread by local staff.
Open Door	Good Shepherd Court, Poleglass 220 Stewartstown Road, Poleglass	The criteria is that the Council has rejected providing these for use by local residents.	The sites are manned by a Caretaker and the grit and the necessary salt is provided.

Housing Association	(i) Location	(ii) Criteria for deciding where salt bins placed	(iii) How often bins filled
Trinity	Dunmisk Manor, Dunmisk Park, Belfast.	Locating grit box is dependent on a number of factors including the infirmity of residents and particular climatic conditions prevailing at the time.	The grit box is refilled according to direction by site staff.

Special Needs Management Allowance

Mr A Easton asked the Minister for Social Development what his plans are for the continuation of the Special Needs Management Allowance funding for Housing Associations.

(AQW 4197/11)

Minister for Social Development: The payment of Special Needs Management Allowance will continue until the outcome of the Departmental review is known and a decision taken regarding future funding arrangements.

Social Housing Newbuild Scheme for Newcastle

Mr W Clarke asked the Minister for Social Development to outline the time-frame for the proposed 130 unit social housing new build scheme for Newcastle.

(AQW 4292/11)

Minister for Social Development: Apex Housing Association proposes to construct 130 social dwellings at Castlewellan Road, Newcastle. An application for full planning permission was lodged with the Planning Service on 16 December 2010. Subject to obtaining the necessary statutory approvals, Apex Housing Association anticipates starting on site in March/April 2011 with an estimated completion date for the scheme of March 2014.

Housing Executive

Mr G Campbell asked the Minister for Social Development whether there has been a review of the response times of, and criteria used by, Housing Executive staff when dealing with extreme weather conditions like those that prevailed in December 2010 and January 2011.

(AQW 4322/11)

Minister for Social Development: The adverse weather was unprecedented and its immediate and subsequent impacts were severe.

Before Christmas, the response processes put in place by the Housing Executive were upgraded as a result of their own deliberations as well as input from officials in my Department. This included relocating their Emergency Services Response capability to the Belfast Customer Service Unit to enable better telephone customer response. In addition to laying further and additional requirements in response to the situation, I also instructed that a report be immediately prepared to reconfigure the Housing Executive response to an emergency. This has resulted in a revised three phase response, which shall include an upgraded telephone response to an emergency.

I have been in regular contact with the Housing Executive's Chief Executive to ensure that lessons learned are applied, that Emergency/Contingency Plans are updated and actions developed to provide future emergency planning which is fit for purpose. The Housing Executive has already addressed a number of issues including changes and improvements to their Emergency/Contingency Plans and put in place Contractors/Contract conditions including the need for each contractor to have an emergency plan and have a 24/7 response and also ensure the supply and availability of materials from merchants.

The Housing Executive has met with all its Response Maintenance and Major Heating Contractors to discuss future contingency arrangements. All the contractors are now in the process of a formal review of their Business Continuity and Emergency Plans. These will aim to ensure that they can provide any and all resources to deal with similar circumstances in future, should the situation develop. These are to be submitted for consideration against the Housing Executive's own plans with the aim of ensuring that the response to future emergencies is carried out in a well planned and coordinated manner. I have also instructed that there is a full and deep evaluation of the work; the response of contractors; and that there should be accountability in relation to performance. I will keep the Social Development Committee informed of progress.

Housing Executive Rents Rise

Mr S Hamilton asked the Minister for Social Development how much additional revenue the 3.75 per cent rise in Housing Executive rents will raise.

(AQW 4403/11)

Minister for Social Development: The 3.75% rent increase for 2011/12 will generate an additional £9.2 million income for the Northern Ireland Housing Executive.

Queen's Parade Project in Bangor

Mr A Easton asked the Minister for Social Development for an update on the Queens Parade project in Bangor.

(AQW 4413/11)

Minister for Social Development: In December 2009 Karl Greenfarm Properties Limited were appointed as the preferred developer for the Queen's Parade site. The developer is currently in Pre Application Discussions with the Planning Service on the proposals for the site and this process is expected to take until September 2011 to complete. 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.

Demolition of the Flats at West Green, Holywood

Mr A Easton asked the Minister for Social Development for an update on and time table for the demolition of the flats at West Green, Holywood.

(AQW 4414/11)

Minister for Social Development: The demolition was scheduled for January 2011 but has been delayed slightly and it is now anticipated that the demolition contractor will commence work on the site by the end of February 2011. The Housing Executive has advised that services are currently being disconnected from the flats at West Green, Holywood and their measured term contractor for demolitions has been briefed regarding this demolition project. The demolition is to take place in two phases, the first phase involving the flats and the second involving the adjacent properties.

Social Housing Newbuild Scheme in Newcastle

Mr W Clarke asked the Minister for Social Development when South Down MLAs will be consulted on the proposed 130 unit social housing new-build scheme in Newcastle.

(AQW 4439/11)

Minister for Social Development: The Housing Executive has advised that stage 1 of the Planning process involves consultation with statutory agencies and other organisations during the month following receipt of the Planning Application. The Planning Application is also publicly advertised to allow any interested party to comment to the Planning Service at any time. Standard consultations on the Planning Application for the proposed 130 unit social housing new build scheme at Castlewellan Road, Newcastle were sent on 14 January 2011 and neighbour notifications were sent on 1 February 2011.

Housing Associations are also required to undergo a consultation process on their proposed housing scheme in accordance with guidance set down in the Housing Association Guide. Apex Housing has carried out a community consultation exercise involving those living around the site but has not consulted with any of the South Down MLAs to date.

Apex has confirmed it will be happy consult with the South Down MLAs at an appropriate time but as yet many aspects of this project still remain fluid.

Community Groups in the North Down District Council Area

Mr B Wilson asked the Minister for Social Development to detail the grants made by his Department to community groups in the North Down District Council area in each of the last three years.
(AQW 4450/11)

Minister for Social Development: Details of grants made by DSD to community groups in the North Down District Council area in each of the last three years are provided in the table below.

Type of Funding	Area of Spend	2008/2009	2009/2010	2010/2011
Community Investment Fund	Hollywood Family Trust	£70,535.34	£65,000.00	£62,410.00
	North Down Community Network	£53,385.77	£53,000.00	£50,888.00
Community Support Programme	various grants allocated by North Down Borough Council	£105,426	£134,012	£110,679
Neighbourhood Renewal Programme	Kilcooley Community Forum	£43,581	£44,877	£49,185
	First Friends Group	£8,122	£679	£0
	NI Alternatives	£27,995	£38,311	£39,322
	Kilcooley Women's Education & Development Group	£25,153	£44,777	£45,369
	Kilcooley Community Forum	£2,971	£0	£0
Small Pockets of Deprivation and Local Community Fund Projects	Rathgill Community Group Project	£56,344.00	£73,646.96	£78,248.00
	Harbour YMCA Project	£47,412.00	£63,452.58	£48,010.00
Volunteer Bureau Initiative and Small Grants	See footnote	£69,747	£343,922	£343,922
Total		£510,672	£861,677	£828,033

Volunteer Bureau Initiative and Small Grants funding to North Down District Council Area was by way of North Down and Ards Volunteer Centre for 2008/09 and Volunteer Services Bureau for Belfast, Castlereagh and North Down for 2009/10 and 2010/11. It should be noted that these figures cannot be split by individual Council area with any accuracy.

Social Development Capital Receipt Figures

Mr D O'Loan asked the Minister for Social Development to detail the nature of the elements which make up the Social Development Capital Receipt figures in table four of the draft Budget 2011-15 document.

(AQW 4485/11)

Minister for Social Development: Capital receipts over the next 4 years are expected to come from Departmental land sales, Housing Executive house & land sales and from Housing Association/ Housing Executive grant and loan repayments. A breakdown of the amounts is provided in the table below.

Receipts	2011-12 £m	2012-13 £m	2013-14 £m	2014-15 £m
Departmental land sales	7.0	5.0	5.0	5.0
NI Housing Executive house & land sales	20.0	20.0	20.0	20.0
Housing Association Grant receipts	2.5	2.5	2.5	2.5
Housing Association loan repayments	0.7	0.6	0.5	0.4
NI Housing Executive loan repayments	78.9	73.3	68.0	63.1
Totals	109.1	101.4	96.0	91.0

As advised in my response to Ms Anna Lo last month, AQW 3369/11 refers, while the figures represent our best estimates of the likely level of receipts possible, prevailing market conditions will undoubtedly impact on the timing of sales and hence the final values ultimately realised.

One-Off Grant Payment

Lord Morrow asked the Minister for Social Development whether further consideration has been given to a one-off grant payment to vulnerable people who incurred additional costs for heating etc, during the recent severe weather conditions.

(AQW 4517/11)

Minister for Social Development: I have taken a number of steps to determine how financial help might be provided to social housing tenants affected by the severe adverse weather. I wrote to the First Minister and deputy First Minister, in December and January, in relation to proposals to compensate people affected by the severe adverse weather. In December I outlined the scope of the current Social Fund scheme in helping people affected by the recent spell of extremely cold weather through the provision of repayable Crisis Loans or Budgeting Loans, as well as non-repayable Community Care Grants. As the Social Fund is cash-limited, I recommended that contact be made with HM Treasury and the Department for Work & Pensions to argue for an increase in funding this year. I also raised the option of other interventions under the Financial Assistance Act and the Emergency Assistance Scheme and suggested that officials scope out the details of how schemes could operate. In my January letter I asked if the First Minister and deputy First Minister had any further view on the principle of assistance under the available schemes and how our Departments may work on any proposals.

I intend to be exhaustive in working through these to find opportunities to provide help and have now written again to the First Minister and deputy First Minister suggesting officials should meet as soon as possible to consider how interventions could be implemented under the Financial Assistance Act or other mechanism.

I am assessing if this might be available for additional heating costs, redecoration and reinstatement of properties.

Housing Executive Tenants

Mr P Frew asked the Minister for Social Development, pursuant to AQW 3847/11, to detail the location of the damaged houses from which the five tenants were moved; and how many of the five tenants have yet to return to their property.

(AQW 4528/11)

Minister for Social Development: The Housing Executive has advised that due to the Data Protection Act (1998) they are unable to detail the exact addresses of the properties in question because of the potential risk of identifying individuals or individual households. However, they have advised that the five properties were located in the following areas:-

- Crebilly Road
- Devenagh Way
- Shanlieve
- Lanntara
- Dunvale

Four tenants have returned to their homes.

Compensation for Housing Executive and Housing Association Tenants

Ms J McCann asked the Minister for Social Development whether compensation will be paid to the Housing Executive and Housing Association tenants whose homes were (i) flooded; and (ii) without working heating systems during the recent severe winter weather; and when this compensation will be paid.

(AQW 4580/11)

Minister for Social Development: I have taken a number of steps to determine how financial help might be provided to social housing tenants affected by the severe adverse weather. I wrote to the First Minister and deputy First Minister, in December and January, in relation to proposals to compensate people affected by the severe adverse weather. In December I outlined the scope of the current Social Fund scheme in helping people affected by the recent spell of extremely cold weather through the provision of repayable Crisis Loans or Budgeting Loans, as well as non-repayable Community Care Grants. As the Social Fund is cash-limited, I recommended that contact be made with HM Treasury and the Department for Work & Pensions to argue for an increase in funding this year. I also raised the option of other interventions under the Financial Assistance Act and the Emergency Assistance Scheme and suggested that officials scope out the details of how schemes could operate. In my January letter I asked if the First Minister and deputy First Minister had any further view on the principle of assistance under the available schemes and how our Departments may work on any proposals.

I intend to be exhaustive in working through these to find opportunities to provide help and have now written again to the First Minister and deputy First Minister suggesting officials should meet as soon as possible to consider how interventions could be implemented under the Financial Assistance Act or other mechanism.

I am assessing if this might be available for additional heating costs, redecoration and reinstatement of properties.

Urban Regeneration and Community Development

Ms A Lo asked the Minister for Social Development for an update on the preparation of a strategy and policy framework for urban regeneration and community development; and when he will brief the Social Development Committee on this work.

(AQW 4583/11)

Minister for Social Development: The Urban Regeneration and Community Development Framework was drafted to support the transfer of operational regeneration and community development to 11 new councils in May 2011. This is now not happening. Work is underway to re-visit the draft Framework and re-express the principles contained within it, in a way which reflects the changed context. It is not proposed to brief the Committee until after 24 March 2011.

Housing Executive Properties Uninhabited

Mr P McGlone asked the Minister for Social Development what is the legal limit on the length of time a Housing Executive property, with a named tenant and for which rent is being paid through Housing Benefit, can be uninhabited.

(AQW 4608/11)

Minister for Social Development: The Housing Executive has advised that the Housing Benefit regulations allow for the payment of Housing Benefit to cover temporary absence from the home for a period of 13 weeks. The regulations also permit, in certain defined circumstances, the continuation of the payment of Housing Benefit for a maximum period of 52 weeks.

These include absences due to:

- A stay in hospital.
- A period on remand.
- Undergoing medical treatment or convalescence other than in hospital.
- Undertaking an approved training course.
- Providing medically approved care to another.
- Fear of violence.

Consultancy and Capital Projects in the West Belfast Constituency

Mr P Maskey asked the Minister for Social Development how much his Department has spent on (i) consultancy; and (ii) capital projects, in the West Belfast constituency in the last two years.

(AQW 4611/11)

Minister for Social Development: The table below provides a breakdown of (i) consultancy expenditure and (ii) capital project spend in the West Belfast constituency in the last two years:

	2008-09 £m	2009-10 £m
Consultancy expenditure		
Review of Paisley Park	0.008	-
Crumlin Road Consultancy Fees	-	0.009
Fees for Masterplanning	-	0.031
Neighbourhood Renewal Consultants	0.132	0.021
Sub-Totals	0.140	0.061

	2008-09 £m	2009-10 £m
Capital projects spend		
Social Security Agency (Jobs & Benefits Office Project)	1.75	5.02
Urban Regeneration & Community Development Group	8.04	6.45
Voluntary & Community Unit	.01	.09
Sub-Totals	9.80	11.56

Neighbourhood Renewal Deprivation Rankings for the Kilcooley Estate in Bangor

Mr A Easton asked the Minister for Social Development to detail the Neighbourhood Renewal deprivation rankings for the Kilcooley estate in Bangor over the 2001-2011 period.

(AQW 4645/11)

Minister for Social Development: Deprivation in the Kilcooley estate is defined by an amalgam of Enumeration Districts (2001) and Output Areas (2005 and 2010) statistics within the Clondeboy and Dufferin electoral wards. The deprivation ranking for each Enumeration District and Output Area which make up the Neighbourhood Renewal Area are detailed in the table below.

Geographical Level	Area Name	NIMDM 2001 Rank (where rank 1 is most deprived)	NIMDM 2005 Rank (where rank 1 is most deprived)	NIMDM 2010 Rank (where rank 1 is most deprived)
Enumeration District*	24052	233/3729	-	-
	24053	351/3729	-	-
	24055	1453/3729	-	-
	24084	507/3729	-	-
	24085	44/3729	-	-
	24086	654/3729	-	-
Output Area**	95XX100001	-	1804/5022	1216/5022
	95XX100007	-	573/5022	386/5022
	95XX100008	-	3438/5022	2884/5022
	95XX100010	-	1110/5022	955/5022
	95XX100012	-	2166/5022	1202/5022
	95XX150001	-	1360/5022	873/5022
	95XX150002	-	1367/5022	673/5022
	95XX150006	-	310/5022	433/5022
	95XX150008	-	1757/5022	962/5022
	95XX150009	-	476/5022	341/5022

*Enumeration District Level data based on Economic Deprivation Rank – 3729 in total

****** Output Area 2005 results based on Economic Deprivation Rank, Output Area 2010 results based on Multiple Deprivation Rank – 5022 in total

Clerical Errors Made by the Child Support Agency in 1997

Mr B McElduff asked the Minister for Social Development to detail the number and extent of the calculation and clerical errors made by the Child Support Agency in 1997 which resulted in the miscalculation of child support payments; and whether there is an appeal mechanism in place that will allow people to appeal their payments on the grounds that the error was not of their making.
(AQW 4655/11)

Minister for Social Development:

- (i) The Child Maintenance and Enforcement Division does not hold records on the extent of calculation and clerical errors made by the Child Support Agency in 1997; (ii) Clients may ask for a review of a decision with regard to the amount they have been assessed to pay, or they may lodge a formal appeal which will be heard by the independent Appeal Service. The timescales for receipt of applications for revisions or appeals have always been clearly outlined on assessment notifications. The timescale is one month from the date the notification was sent to the Client.

Proposed Development of Curran Street in Portadown

Mr J O'Dowd asked the Minister for Social Development for an update on the proposed development of Curran Street in Portadown.
(AQW 4660/11)

Minister for Social Development: Full planning permission for the redevelopment of the Curran Street Site was approved by Planning Service in October 2010. The process to appoint a developer to acquire the site and deliver the scheme formally commenced in June 2010 with an advertisement placed in the Official Journal of the European Union. A short-list of interested developers was drawn up and each was asked to submit bids to purchase and develop the site. Unfortunately, the bids submitted by the potential developers were significantly below the market value of the site and the Department has been unable to appoint a preferred developer at this time. Officials are currently exploring alternative models to deliver the regeneration of this key site, including the social housing elements, as quickly as possible.

Suffolk Estate in West Belfast

Ms S Ramsey asked the Minister for Social Development when the Housing Executive will replace windows in the Suffolk Estate in West Belfast.
(AQW 4722/11)

Minister for Social Development: The Housing Executive has advised that window replacement in the Suffolk Estate is their first priority Local Area Priority scheme for 2011/12 in West Belfast. There are 173 properties included in the scheme, at an estimated cost of £450,000. It is hoped the scheme will start in summer 2011, dependent on funding being available. The scheme should take four to five months on site to complete.

Northern Ireland Assembly Commission

Overseas Training Courses for Staff

Mr T Burns asked the Assembly Commission to detail (i) the number of training courses which members of staff from the Commission have attended overseas in each of the last five years; (ii) the names of the course/purpose of the training; (iii) when the courses took place; (iv) the duration of each course; (v) how many members of staff took part in each course; (vi) the grade and branch of each member of staff who took part; (vii) in which country the courses took place (excluding the UK and

Republic of Ireland); (viii) the cost of fees for each course and each individual attendee; (ix) the travel expenses incurred by each attendee of each course; (x) the accommodation costs incurred by each attendee of each course; and (xi) the specific name and location of places where each attendee stayed during their travel and attendance on each course.

(AQW 4142/11)

The Representative of the Assembly Commission (Mr P Ramsey): To ask the Assembly Commission to detail (i) the number of training courses which members of staff from the Commission have attended overseas in each of the last five years; (ii) the names of the course/purpose of the training; (iii) when the courses took place; (iv) the duration of each course; (v) how many members of staff took part in each course; (vi) the grade and branch of each member of staff who took part; (vii) in which country the courses took place (excluding the UK and Republic of Ireland); (viii) the cost of fees for each course and each individual attendee; (ix) the travel expenses incurred by each attendee of each course; (x) the accommodation costs incurred by each attendee of each course; and (xi) the specific name and location of places where each attendee stayed during their travel and attendance on each course.”

I attach a schedule (at Annex A) of all such training courses for the past five years.

[SEE OVERLEAF]

NO (i)	NAME OF COURSE / PURPOSE OF TRAINING (ii)	WHEN COURSE TOOK PLACE (iii)	COURSE DURATION (iv)	HOW MANY STAFF MEMBERS TOOK PART (v)	GRADE (vi)	BRANCH (vi)	COUNTRY WHERE COURSE TOOK PLACE (vii)	COST OF FEES FOR EACH ATTENDEE (viii)	TRAVEL EXPENSES FOR EACH ATTENDEE (ix)	NAME & LOCATION OF WHERE ATTENDEES STAYED (xi)	ACCOMMODATION COSTS (x)
1	Association of Corporate Travel Executives (ACTE) Global Education Conference (Business Travel)	22-Oct-06	3 days	2	Ass Assembly	HR	Barcelona, Spain	£285.21 per person	Flights £289.32 per person Person 1 T&S £190.21 Person 2 T&S £216.24	Hotel Olivia Plaza + Hotel Granados 83, Barcelona, Spain	£123.95 per person per night (4 nights)
2	Association of Clerks-at-the-Table in Canada 2007 Professional Development Seminar	06-Aug-07	5 days	1	Principal Clerk (AG4)	Central Committee Office	Prince Edward Island (PEI), Canada	Information no longer available - assumed free of charge	Flights £833.37 T&S £381.28	Intercontinental Toronto + Stanhope Hotel, Charlottetown	Toronto £52.07 per night (1 night) PEI £42.55 per person per night (5 nights)
3	Hansard Association of Canada 34th Annual Conference	20-Aug-07	5 days	1	Assistant Editor	Hansard	Iqaluit, Canada	£252 per person	Flights £1458.60 T&S £186.81	Fairmont Chateau Laurier, Ottawa Nova Hotel, Iqaluit	Ottawa £98.85 per night (2 nights) Iqaluit £77.64 per night (5 nights)

NO (i)	NAME OF COURSE / PURPOSE OF TRAINING (ii)	WHEN COURSE TOOK PLACE (iii)	COURSE DURATION (iv)	HOW MANY STAFF MEMBERS TOOK PART (v)	GRADE (vi)	BRANCH (vi)	COUNTRY WHERE COURSE TOOK PLACE (vii)	COST OF FEES FOR EACH ATTENDEE (viii)	TRAVEL EXPENSES FOR EACH ATTENDEE (ix)	NAME & LOCATION OF WHERE ATTENDEES STAYED (xi)	ACCOMMODATION COSTS (x)
4	Conference of European Regional Assemblies (CALRE) - "Fiscal Federalism and Europe"	13-Nov-07	3 days	1	Senior Researcher	Research	San Sebastian, Spain		Flights £240.91 T&S £143.47	Silken Amara Plaza Hotel, San Sebastian, Spain	£98.02 per night (3 nights)
5	Hansard Association of Canada 35th Annual Conference	25-Aug-08	5 days	1	Parliamentary Reporter	Hansard	Fredericton, Canada	£422 per person	Flights £1014.35 T&S £178.03	Delta Hotel, Fredericton, Canada	£113.34 per night (6 nights)
6	IPRS Parliamentary Reporters Seminar	20-Aug-08	3 days	1	Assistant Editor	Hansard	The Hague, Netherlands	£395 per person	Flight £93.30 T&S none	Le Hotel Corona, The Hague, Netherlands	Included in conference price (3 nights)

NO (i)	NAME OF COURSE / PURPOSE OF TRAINING (ii)	WHEN COURSE TOOK PLACE (iii)	COURSE DURATION (iv)	HOW MANY STAFF MEMBERS TOOK PART (v)	GRADE (vi)	BRANCH (vi)	COUNTRY WHERE COURSE TOOK PLACE (vii)	COST OF FEES FOR EACH ATTENDEE (viii)	TRAVEL EXPENSES FOR EACH ATTENDEE (ix)	NAME & LOCATION OF WHERE ATTENDEES STAYED (xi)	ACCOMMODATION COSTS (x)
7	Association of Clerks-at-the-Table in Canada 2009 Professional Development Seminar	03-Aug-09	5 days	1	Assembly Clerk	Business Office	Newfoundland, Canada		Flights £1047.44	Radisson Edwardian Heathrow hotel	Heathrow £121.81 per night (1 night)
								£158 per person	T&S £177.19	Sheraton Hotel, Newfoundland	Newfoundland £134.94 per night (4 nights)
8	British-Irish Parliamentary Reporting Association Conference	09-Aug-09		5	Editor of Debates	Hansard (4)	Jersey, Channel Islands		Person 1 ferries £480.67	Pomme d'Or Hotel, St Helier, Jersey	£95 per person per night (4 staff x 3 nights & 1 staff x 4 nights)
					Deputy Editor	Legal Services (1)			Person 1 T&S £93.20		

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					Assistant Editor				Person 2 flights £231.21	States of Jersey paid the deposit and invoiced Hansard accordingly. Travel Desk arranged for payment of the remainder. Total amount listed for hotel includes the deposit.	
					Parliamentary Reporter			Free of Charge	Person 2 T&S £84.90		
									Person 3 flights £194.04		
					Asst Legal Adv				Person 3 T&S £69.90		
									Person 4 flights £231.21		
									Person 4 T&S none		
									Person 5 flights £205.53		
									Person 5 T&S none		

NO (i)	NAME OF COURSE / PURPOSE OF TRAINING (ii)	WHEN COURSE TOOK PLACE (iii)	COURSE DURATION (iv)	HOW MANY STAFF MEMBERS TOOK PART (v)	GRADE (vi)	BRANCH (vi)	COUNTRY WHERE COURSE TOOK PLACE (vii)	COST OF FEES FOR EACH ATTENDEE (viii)	TRAVEL EXPENSES FOR EACH ATTENDEE (ix)	NAME & LOCATION OF WHERE ATTENDEES STAYED (xi)	ACCOMMODATION COSTS (x)
9	Hansard Association of Canada 36th Annual Conference	10-Aug-09	5 days	1	Assistant Editor	Hansard	Regina, Saskatchewan, Canada		Flights £1288.92 T&S £89.95	Radisson Plaza Saskatchewan Regina, Canada	£84.65 per night (5 nights)
10	UK Irish & Islands Clerks Seminar	17-Sep-09	2 days	3	Director	Clerking & Rep	Jersey, Channels Islands	Free of Charge	Person 1 booked own flights £69.38 Person 1 T&S £449.93 Person 2 flights £449.93 Person 2 T&S none Person 3 flights £388.45 Person 3 T&S none	Pomme d'Or hotel, St Helier (1) Club Hotel & Spa, St Helier (2)	Pomme d'Or £92.00 per night (1 staff x 3 nights) Club Hotel £116.25 per person per night (2 staff x 2 nights)

NO (i)	NAME OF COURSE / PURPOSE OF TRAINING (ii)	WHEN COURSE TOOK PLACE (iii)	COURSE DURATION (iv)	HOW MANY STAFF MEMBERS TOOK PART (v)	GRADE (vi)	BRANCH (vi)	COUNTRY WHERE COURSE TOOK PLACE (vii)	COST OF FEES FOR EACH ATTENDEE (viii)	TRAVEL EXPENSES FOR EACH ATTENDEE (ix)	NAME & LOCATION OF WHERE ATTENDEES STAYED (xi)	ACCOMMODATION COSTS (x)
11	European Institute of Public Administration (EIPA) seminar "European Information Management - Europe on the Internet - Finding your Way through the European Information Jungle"	08-Mar-10	2 days	2	Librarian	Library	Maastricht, Netherlands		Flights £90.98 per person	Hotel Beaumont, Maastricht, Netherlands	£97.33 per person per night (2 staff x 3 nights)
					Assistant Librarian			£630 per person	Rail £62.62 per person		
							(Rail)		Person 1 T&S £110.29		
									Person 2 T&S £81.89		
12	Association of Clerks-at-the-Table in Canada 2010 Professional Development Seminar	02-Aug-10	5 days	1	Assembly Clerk	Central Committee Office	Calgary, Canada		Flights £1889.21	Delta Hotel, Kananaskis, Canada	Kananaskis £117.84 per night (5 nights)
								Free of Charge	T&S none	Delta Hotel, Calgary Airport, Canada	Calgary Airport £123.93 (1 night)

NO (i)	NAME OF COURSE / PURPOSE OF TRAINING (ii)	WHEN COURSE TOOK PLACE (iii)	COURSE DURATION (iv)	HOW MANY STAFF MEMBERS TOOK PART (v)	GRADE (vi)	BRANCH (vi)	COUNTRY WHERE COURSE TOOK PLACE (vii)	COST OF FEES FOR EACH ATTENDEE (viii)	TRAVEL EXPENSES FOR EACH ATTENDEE (ix)	NAME & LOCATION OF WHERE ATTENDEES STAYED (xi)	ACCOMMODATION COSTS (x)
13	International Federation of Library Associations and Institutions Annual Conference - World Library & Information Congress	10-Aug-10	5 days	1	Assistant Librarian	Library	Gothenburg, Sweden		Flights £488.61	Radisson Blu, Gothenburg, Sweden	Gothenburg £147.19 per night (6 nights)
14	National Institute of Governmental Purchasing 2010 Forum & Products Exposition	11-Aug-10	5 days	1	Head of Office	Procurement	San Antonio, Texas, USA		Flights £1386.04	Marriott Riverwalk Hotel, San Antonio, Texas	£130.03 per night (7 nights)
									T&S none		
								Free of Charge			
15	Hansard Association of Canada 37th Annual Conference	16-Aug-10	5 days	1	Parliamentary Reporter	Hansard	Charlottetown, Canada		Flights £1189.44	Great George Hotel, Charlottetown, Canada	£175.14 per night (6 nights)
								£253	T&S £107.50		

Flight Information for the City of Derry Airport

Mr P Callaghan asked the Assembly Commission whether real-time flight information for the City of Derry Airport will be included on AsslSt, the Assembly intranet, in addition to the information on airports in Belfast.

(AQW 4492/11)

The Representative of the Assembly Commission (Mr S Neeson): I am happy to report that the IS Office, on behalf of the Assembly Commission, updated the Intranet immediately upon receipt of your query.

The IS Office is happy to consider all requests for improvements to AsslSt from Members and can be contacted directly, via the IS Service Desk on telephone number (028 905) 21000 or via the IS Service Request pages on AsslSt.

Hansard Bound Volumes

Mr G Campbell asked the Assembly Commission whether a record is kept detailing Members who wish to receive a copy of Hansard Bound Volumes.

(AQW 4529/11)

The Representative of the Assembly Commission (Mr P Doherty): The answer to your question is yes. The Office of the Official Report (Hansard) keeps a list of the names of those Members (79 at the last count) who chose to receive the volumes.

As you may be aware, the Commission recently decided that, with immediate effect, hard copy volumes will only be provided to Members on a subscription basis. However, Members have been offered the facility to receive the volumes free of charge in CD-ROM format and the Commission also decided that each registered party with a seat in the Assembly will be provided with two copies of each volume.

The Speaker wrote to all Members on 7th February 2011 advising them of the decision and that was followed by a letter from the Editor of Debates to determine whether Members are interested in taking out a subscription and/or wish to receive the CD-ROM. Once the results of that exercise are known, the Office of the Official Report (Hansard) will, of course, update its records.

I hope that the above information is helpful and answers your question.

Staff and Visitor Cars on Sitting Days

Mr J Craig asked the Assembly Commission if there are any plans to accommodate all staff and visitor cars on sitting days.

(AQW 4731/11)

The Representative of the Assembly Commission (Mr S Neeson): The Assembly Commission acknowledges the difficulties experienced with parking in the Assembly car parks, particularly on Sitting days, and senior Assembly staff have been in ongoing discussions with DFP colleagues in an attempt to resolve this problem, and indeed reduce car parking pressures and difficulties across the Estate.

Following recent discussions with DFP, the Assembly Commission put in place two low cost pilot schemes, as a possible means of increasing car parking space for staff and visitors, particularly on Sitting days. The initial response of staff has been good and the trial schemes will run to the end of March 2011 subject to review.

The first of these involved the temporary transfer of daily management of the lower East car park from DFP to Assembly Security staff. During business hours, access to the car park will be restricted to staff, other persons having official business within Parliament Buildings and visitors. Security staff are also ensuring that all vehicles within that car park are parked properly and that obstructions are not caused.

The Commission also recently put in place a 'park and ride' system using the DFP car park at Rosepark House, Upper Newtownards Road. This has enabled users to leave their cars at Rosepark and walk

a very short distance to Annexe C, where they can be picked up by the Assembly people carrier for onward transport to Parliament Buildings. A return service is also in place, and staff located within Annexe C can also avail of the car park at Rosepark.

The Commission will continue with discussions with DFP and one possibility may be that of assuming ownership of the Lower East Car Park on subsequent transfer from DFP. This might also include carrying out a feasibility study of possible future expansion of that car park, subject to planning and funding. This is at a relatively early stage however and would naturally be dependant upon satisfactory resolution of a number of issues, including subsequent DFP agreement.

Naturally, all users of Parliament Buildings will kept apprised of developments in due course.

Stationery Supplies in Parliament Buildings

Mr P Butler asked the Assembly Commission for an update on the current difficulties regarding the provision of stationery supplies in Parliament Buildings.

(AQW 4739/11)

The Representative of the Assembly Commission (Mr S Neeson): For the past number of years, Office Resources (the Business Area responsible for this contract) secured their Office Stationery and IT Consumable requirements through a Central Procurement Directorate (CPD) framework contract, which expired in November 2010. A re-tender of this contract was undertaken during 2010 but at the notification of award stage, CPD received a legal challenge under the Remedies Directives available within the Public Contracts Regulations. The NIA was advised of this during week commencing 4th February 2011.

Office Resources issued guidance on 7th February 2011 to ask all users to request only urgent stationery items for a 2-3 week period. Subsequently, with effect from 21st February 2011, Office Resources were able to order and receive a stock of items through the EROS system. This system is used throughout the 12 Northern Ireland Civil Servant Departments and other public bodies.

However certain items previously available are not listed on the EROS system and cannot be supplied at this stage. In addition, deliveries of items outside of Parliament Buildings are also unavailable during this interim period.

A Postmaster has been issued to all Members, Support Staff and Secretariat to provide updates, and furthermore a copy of this Postmaster has been placed in Members' pigeon holes.

Going forward, Support Services and Procurement are working to procure a longer term solution which is intended to be in place by the new mandate. It is not clear at this stage what form this contract will take in relation to items that will be available; however we wish to ensure the best service possible is delivered to all users.

Northern Ireland Assembly

Friday 4 March 2011

Written Answers to Questions

Office of the First Minister and deputy First Minister

Inland Watercourses and Waterways

Mr P Callaghan asked the First Minister and deputy First Minister to list the Departments and agencies which have a statutory role in the management or control of (i) inland watercourses and waterways; and (ii) coastal marine environments.

(AQW 2913/11)

First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness): The Department of Environment including the Northern Ireland Environment Agency (NIEA), the Department of Agriculture and Rural Development including the Rivers Agency, the Department of Culture Arts and Leisure and the Department for Social Development have a statutory role in the management or control of inland waterways and watercourses.

The Department of Environment including the Northern Ireland Environment Agency (NIEA), the Department of Agriculture and Rural Development including the Rivers Agency and the Department of Culture Arts and Leisure also have a statutory role in relation to coastal marine environments.

Social Protection Fund and Social Investment Fund

Mr R Beggs asked the First Minister and deputy First Minister, in light of the creation of the Social Protection Fund and the Social Investment Fund, for an assessment of how they will avoid the deflection of funds away from similar schemes designed to address deprivation, such as the Department for Social Development's Neighbourhood Renewal Programme.

(AQW 3792/11)

First Minister and deputy First Minister: The Social Investment Fund and the Social Protection Fund will be additional and complementary to existing programmes including the Neighbourhood Renewal Programme. Ensuring this will be a key consideration as the schemes continue to be developed.

Budget for the Play and Leisure Policy

Mrs D Kelly asked the First Minister and deputy First Minister, in light of their Department's draft budget and savings plans, what is the new budget for the Play and Leisure Policy; and for their assessment of how the Play and Leisure Implementation Plan will be taken forward with a budget of £0.55m per year.

(AQW 3804/11)

First Minister and deputy First Minister: The Play and Leisure Policy and Play and Leisure Implementation Plan are cross-departmental matters and all Government Departments have individual responsibility for relevant actions detailed within the Plan.

It is for individual Ministers to address the actions which are specific to their Department and to ensure that the associated resources are in place to deliver on their commitments. The Budget is out for public consultation and the final figure allocated to Play & Leisure has not yet been decided. The

£0.55m you refer to relates to savings within the budget for the Play and Leisure Policy. However, the actions remaining within the Plan for OFMDFM will require minimal resources and the savings will not impact on our ability to deliver on those actions.

The impending budget cuts were fully recognised during the development of the Implementation Plan. Nonetheless, we will continue to closely monitor the delivery of the plan so that any potential issues can be identified and addressed at an early stage.

Investment Strategy and the Programme for Government

Mrs D Kelly asked the First Minister and deputy First Minister when the Investment Strategy and the Programme for Government will be published for consultation, given that the Department of Finance and Personnel's guidance states that they should have been published alongside the draft Budget.

(AQW 3805/11)

First Minister and deputy First Minister: Our officials have been working with departments over the past number of months on a draft Programme for Government and we, together with our Executive colleagues, need to consider the most opportune timing for consulting upon a draft Programme for Government, bearing in mind the forthcoming elections in May 2011.

An Investment Strategy for 2011-21 is under development and will be published in due course following agreement with the Executive. It is not possible to confirm a date for publication for consultation at this stage.

Special Advisers

Mrs D Kelly asked the First Minister and deputy First Minister whether they have any plans to reduce the number of special advisers within their Department.

(AQW 3855/11)

First Minister and deputy First Minister: Staffing levels across OFMDFM are currently being examined in light of the reduction in operating costs set out in the draft Budget 2011 – 2015 spending proposals. This review will encompass all of the staffing in OFMDFM. The outcome of this exercise will be considered by the Department's senior management team and will be the focus of discussion with Trade Union Side before final decisions are taken.

Independent Complaints Body for Students

Mr P Butler asked the First Minister and deputy First Minister for an update on the review to establish an independent complaints body to address student's complaints in further and higher education institutions, including when this body is likely to be established.

(AQW 4327/11)

First Minister and deputy First Minister: Colleges of Further and Higher Education are not currently included in the Northern Ireland Ombudsman's jurisdiction.

A review of the Office undertaken in 2004 recommended that they be included within the Ombudsman's jurisdiction.

Work is currently underway to update and reform the legislation of the Office. A recent public consultation exercise carried out by the Committee for the Office of the First Minister and deputy First Minister to update the legislation includes the proposal to extend the jurisdiction of the Office to include a number of additional publicly funded bodies such as education bodies.

It is unknown at this stage whether or not the jurisdiction will be extended or the timescale for new legislation being passed.

Gender Equality Unit and Real Fathers For Justice: Meeting

Mr C McDevitt asked the First Minister and deputy First Minister to detail the outcome of the meeting between their Department's Gender Equality Unit and Real Fathers For Justice which took place on 8 October 2009; and to detail any progress since this meeting.

(AQW 4509/11)

First Minister and deputy First Minister: At the meeting, Real Fathers for Justice (RFFJ) raised concerns about various policies and services across government. There was a subsequent exchange of correspondence and OFMDFM officials have offered a further meeting.

On 10 September 2010 a meeting was convened between RFFJ and officials from a number of government departments, following which a detailed, co-ordinated response was provided to RFFJ on all the issues raised.

Race Relations (NI) Order 1997

Mr B Wilson asked the First Minister and deputy First Minister what progress has been made regarding a review of the Race Relations (NI) Order 1997, since a motion calling for a review received cross-party support in May 2009.

(AQW 4549/11)

First Minister and deputy First Minister: Since the motion calling for a review of the Race Relations (NI) Order 1997, the Order has been amended by the Race Relations (Amendment) Regulations (Northern Ireland) 2009 to make it clear that the provisions of the 1997 Order cover cases of both direct and indirect discrimination ie they cover both persons who are put at a disadvantage by a discriminatory provision, criterion or practice and those that would be put at such a disadvantage.

We intend to further amend the 1997 Order at the earliest opportunity to remove the provision that makes it lawful for companies to pay seafarers working on board vessels different rates of pay on the basis of their nationality if the seafarer has been recruited abroad. Insofar as seafarers from EU, EEA and other designated states are concerned, this is in breach of European law.

We refer the member to AQW 4289/11, answered on 17 February 2011, in which we announced that work had begun to develop a new Strategy to replace "A Racial Equality Strategy for Northern Ireland 2005-2010". We intend that a thoroughgoing review of the 1997 Order take place as part of this work.

Programme for Cohesion, Sharing and Integration

Mr B Wilson asked the First Minister and deputy First Minister, given that the consultation on the Programme for Cohesion, Sharing and Integration has now closed, what is the timeline for the publication and implementation of a new strategy.

(AQW 4550/11)

First Minister and deputy First Minister: The draft Cohesion, Sharing and Integration Programme is continuing to be developed following the 3-month consultation process which closed on 29 October 2010.

The public consultation afforded everyone the opportunity to comment on the range of issues covered within the draft CSI Programme. Although the consultation formally closed on 29 October 2010, officials granted one more week to allow for late returns to be included in the analysis of the findings.

The consultation attracted 290 written responses and included the wealth of views and material gathered from 11 public meetings and 15 targeted sectoral meetings which were held at a range of locations during September and October last year.

The draft report on the analysis of the consultation responses was completed in early January and the findings will be passed to us shortly to inform our deliberations. We were heartened by the interest, effort and engagement of all those who took part in the consultation and we want to give the views of all those people due consideration as we look at how we will build on and strengthen the document.

We intend to have all the responses published on the website in due course along with the results of the analysis.

Afro-Community Support Organisation

Mr B Wilson asked the First Minister and deputy First Minister, given that 2011 is the International Year for People of African Descent, what plans they have to support the Afro Community Support Organisation.

(AQW 4551/11)

First Minister and deputy First Minister: We acknowledge the important work carried out by the Afro Community Support Organisation Northern Ireland (ACSONI) in raising awareness of the contribution being made by people of African descent to Northern Ireland and of issues affecting people of African descent here. We are pleased to have a representative of ACSONI sit on OFMDFM's Racial Equality Panel to help advise us on good race relations and racial equality.

We understand that ACSONI has applied for both development and project funding from the Minority Ethnic Development Fund which was re-opened recently for new applications. Of course, ACSONI's applications will have to be judged by the Fund's Selection Committee alongside applications from other groups.

Shackleton Barracks in Ballykelly

Mr A McQuillan asked the First Minister and deputy First Minister (i) whether the Ministry of Defence has offered to hand over the site of Shackleton Barracks in Ballykelly; (ii) if this offer will be accepted; and (iii) when a decision will be made.

(AQW 4567/11)

First Minister and deputy First Minister: The former Shackleton Barracks site in Ballykelly is one of four former military bases earmarked within the Hillsborough Castle Agreement for transfer to the Executive and, with the exception of lands at Omagh to be used for an educational campus, subsequent disposal to meet exceptional resource pressures. None of the sites have yet been transferred.

Ensuring that the arrangements for handover represent value for money is a vital concern. Once suitable arrangements are agreed we will expedite the transfer process with the Ministry of Defence.

Ballykinler Barracks in South Down

Mr W Clarke asked the First Minister and deputy First Minister whether they have had any discussions with the Ministry of Defence regarding the future of Ballykinler Barracks in South Down.

(AQW 4577/11)

First Minister and deputy First Minister: The Office of the First Minister and deputy First Minister has not had any discussions with the Ministry of Defence regarding the future of Ballykinler barracks.

Responsibility for Coastguard Provision

Mr W Clarke asked the First Minister and deputy First Minister whether they will seek the devolution of the responsibility for coastguard provision, as is the case with the other 'blue light' services.

(AQW 4578/11)

First Minister and deputy First Minister: We are very concerned about any proposals to potentially close or reduce the capacity of the only coastguard rescue centre here. We visited Belfast Coastguard Rescue Centre on 17 February and saw first hand the vital work which the people there undertake every day.

We will respond to the Coastguard Modernisation consultation which will provide information about local factors which we are hopeful will influence the decisions made by Whitehall Ministers and we will continue to make the case to Whitehall for retaining an adequate coastguard presence here.

Department of Agriculture and Rural Development

Rural Development Programme

Mr P Frew asked the Minister of Agriculture and Rural Development (i) whether she will consider raising the Rural Development Programme's minimum procurement threshold of £100; (ii) for her assessment of this threshold; (iii) whether she will allow promoters to accept faxed and emailed quotations; and (iv) whether she will reduce the number of quotations required by promoters when they have received 'nil' responses or refusals to quote.[R]

(AQW 3777/11)

Minister of Agriculture and Rural Development (Ms M Gildernew): I am interpreting this question to refer to Axis 3 of the Rural Development Programme. The procurement criteria applied to Axis 3 is informed by best practice and experience gained through audit and inspection findings and recommended actions of current and previous programmes such as Leader +. This is why the minimum threshold is set at £100 (your points (i) and (ii)). As a member of a Joint Council Committee you will be familiar with the ongoing engagement between my officials, Joint Council Committee representatives, Local Action Group representatives and JCC Administration Units being undertaken to increase the speed of Axis 3 delivery on the ground. Coming from this engagement officials have undertaken an examination of procurement thresholds, the need for evidence and associated risks in procurement exercises. Consequently the Operating Rules have been revised to afford easement in respect of the evidence of quotations in the light of representations from Promoters. Quotations can now be "sought" rather than obtained. As regards faxed and e-mail quotations, you will also know that my officials are pursuing this, and will report to LAGs and JCC before the end of February (your point (iii)). Finally, I will ask officials to consider part (iv), but this may be outside of my remit.

I know you will understand that the overriding purpose of procurement is to achieve probity and best value for the public purse.

You will understand as a member of the Legislative Assembly that the resource being expended in the Axis is public money therefore that the overriding purpose of procurement is to achieve probity and best value for the public purse. Therefore while my Department is content to afford easement this is only possible where risks are minimised and out weighted by outcomes.

Young Farmers' Clubs of Ulster

Mr A Bresland asked the Minister of Agriculture and Rural Development what proportion of her Department's budget the £75,000 she intends to cut from the Young Farmers' Clubs of Ulster represents.

(AQW 4451/11)

Minister of Agriculture and Rural Development: Over the four year budget period, the proposed cessation of the grant to the Young Farmers' Clubs of Ulster represents 0.03% of the Executive's proposed draft budget current expenditure allocation to the Department.

Social Exclusion

Mr A Bresland asked the Minister of Agriculture and Rural Development to outline her plans to help young people in rural areas facing social exclusion.

(AQW 4452/11)

Minister of Agriculture and Rural Development: Over the past two years my Department has led on a £10 million package of actions to address poverty and social exclusion in rural areas throughout the north including a rural challenge programme to allow rural communities to identify and address local issues relating to poverty and exclusion.

I have recently secured an enhanced commitment from the Executive to target poverty and social exclusion in rural areas and have made proposals to raise overall expenditure to around £16 million

over the next four years. My department will play a leading role in identifying how this funding can be put to best use, including looking at how we might best support children and young people facing social exclusion in rural areas. Given the wide ranging nature of poverty and social exclusion, it is likely my Department will continue to work in partnership with others to maximise the impact of the available funding.

Young Farmers' Clubs of Ulster

Mr A Bresland asked the Minister of Agriculture and Rural Development how she proposes to help, train and encourage the next generation of farmers without the Young Farmers' Clubs of Ulster.
(AQW 4455/11)

Minister of Agriculture and Rural Development: The Department of Agriculture and Rural Development provides education and training for young people who wish to undertake vocational agri-food education. The College of Agriculture, Food and Rural Enterprise (CAFRE) provides a range of education and training programmes designed to meet the needs of these young people and the agri-food sector in the north of Ireland.

Further and Higher education programmes available at CAFRE include programmes in agriculture, horticulture, equine, food and communications. These programmes, enable participants to develop their skills and competences in their chosen area and helps them prepare for a career in the agri-food industry.

As you know, I plan to continue funding the YFCU for a further three years, subject to them providing a suitable business proposal covering specific areas of work that we agreed.

Young Farmers' Clubs of Ulster

Mr P Weir asked the Minister of Agriculture and Rural Development what plans her Department has to review the level of funding to the Young Farmers' Clubs of Ulster in its final budget.
(AQW 4531/11)

Minister of Agriculture and Rural Development: I met with the YFCU on 17th February to hear their perspective on the proposed withdrawal of their funding. I have also taken on board the considerable response in the consultation to this proposal, and have decided to continue to fund the YFCU for a further 3 years subject to them providing a suitable business proposal covering specific areas of work which I have agreed with them.

Young Farmers' Clubs of Ulster

Mr P Weir asked the Minister of Agriculture and Rural Development to outline the rationale behind her decision to cut funding to the Young Farmers' Clubs of Ulster.
(AQW 4532/11)

Minister of Agriculture and Rural Development: Following the Executive's agreement on a draft budget, I announced my draft budget proposals for DARD for the financial years 2011 – 2015 on the 13 January 2011.

The scale of the current expenditure savings required from DARD is £43 million over the next four years. At the time, I identified that I would not have the resources to do everything I would want to, and to live within the available budget I proposed savings in a number of areas. When I considered the support DARD provides to the YFCU, I didn't regard it as a priority when set against frontline activity.

I am aware that considerable concern about this draft budget proposal has been raised and that many submissions on the issue have been received.

Having carefully considered the views raised by the YFCU when I met them recently, the budget pressures on my Department and the potential value that a programme of work targeted at specific

areas could deliver, I am content to fund the YFCU for a further three years, subject to them providing a suitable business proposal covering the specific areas we agreed.

Young Farmers' Clubs of Ulster

Mr P Weir asked the Minister of Agriculture and Rural Development to detail the level of her Department's funding to the Young Farmers' Clubs of Ulster in the North Down constituency in each of the last five years.

(AQW 4534/11)

Minister of Agriculture and Rural Development: In both 2006/07 and 2007/08 I awarded a grant of £75,486 to the Young Farmers' Clubs of Ulster. In 2008 I awarded the YFCU a grant of £75,000 per year under a 3-year Letter of Offer ending in March 2011. The funding enables the YFCU to deliver a programme of training and personal development for its members and is not attributed directly to any particular Club.

Young Farmers' Clubs of Ulster

Mr P Weir asked the Minister of Agriculture and Rural Development to detail the level of her Department's funding to the Young Farmers' Clubs of Ulster in each of the last five years.

(AQW 4535/11)

Minister of Agriculture and Rural Development: In the past 5 years the Department has provided total funding of £376k to the Young Farmers' Clubs of Ulster (YFCU).

This equates to the following amounts in each of the past 5 years

2006/07	2007/08	2008/09	2009/10	2010/11
£75,486	£75,486	£75,000	£75,000	£75,000

Young Farmers' Clubs of Ulster

Mr P McGlone asked the Minister of Agriculture and Rural Development why the Young Farmers' Clubs of Ulster was given such a short time to respond to the proposed removal of funding; and what assessment her Department has made of the impact these proposals will have on this organisation.

(AQW 4562/11)

Minister of Agriculture and Rural Development: Following the Executive's agreement of a draft budget and the publication of its proposals in December, I announced my draft budget proposals for DARD for the financial years 2011 – 2015 on the 13 January 2011 and the information was published on the DARD website.

Subsequent to this, stakeholders were informed at briefings and by letter, how they might be affected by the budget proposals and were advised how they could respond before the end of the consultation period on 16 February 2011. I was aware that concern about this draft budget proposal had been raised and that many submissions on the issue had been received.

I met with the YFCU to listen to their perspective and we had a very positive engagement and useful discussion. I indicated the areas that I believe are a priority and where the YFCU may contribute to rural communities.

These include Rural Road Safety in conjunction with the GAA, Succession Planning, encouraging the uptake of on-line applications by farm businesses, a schools outreach programme of a cross-community nature and a programme of work to integrate the work of the YFCU into local rural community initiatives,

I have now agreed to fund them for a further 3-year period subject to provision of a suitable business proposal covering these specific areas of work and delivery against measurable outputs.

As with all the proposed savings, this proposal was subject to scrutiny through the process of completing a High Level Impact Assessment (HLIA). Equality Screening was also undertaken and if the proposal was to be taken forward, a full EQIA would have been carried out.

Appointments to Public Bodies and Arm's-Length Bodies

Mr G Campbell asked the Minister of Agriculture and Rural Development to detail the number and names of individuals that have been appointed to (i) public bodies; and (ii) arm's-length bodies since May 2007.

(AQW 4586/11)

Minister of Agriculture and Rural Development: Since assuming my responsibility as Minister of Agriculture and Rural Development, I have nominated 50 individuals to 7 bodies.

I have set out the detail of these appointments in the table below.

This table includes individuals appointed to the Research and Education Advisory Panel (REAP) which no longer exists.

1 Name of individual	(i) Public Body	(ii) Arms-length bodies	Additional Comments
Dr C Kennedy		Agri-Food and Biosciences Institute (AFBI)	Re-appointment - Commenced 1 April 2008
Dr Holywood		Agri-Food and Biosciences Institute (AFBI)	Re-appointment - Commenced 1 April 2008
Mr K Campbell		Agri-Food and Biosciences Institute (AFBI)	Re-appointment - Commenced 1 April 2008
Mr N Mack		Agri-Food and Biosciences Institute (AFBI)	Re-appointment - Commenced 1 April 2008
Mr J McKinley		Agri-Food and Biosciences Institute (AFBI)	Re-appointment - Commenced 1 April 2008
Prof David McDowell		Agri-Food and Biosciences Institute (AFBI)	Deputy Chairperson – Re-appointment - Commenced 1 April 2009
Prof Grace Mulcahy		Agri-Food and Biosciences Institute (AFBI)	Re-appointment - Commenced 1 April 2009
Mr James Noble		Agri-Food and Biosciences Institute (AFBI)	Re-appointment - Commenced 1 April 2009
Mr John Rankin		Agri-Food and Biosciences Institute (AFBI)	Re-appointment - Commenced 1 April 2009
Mr Michael Walker		Agri-Food and Biosciences Institute (AFBI)	Re-appointment - Commenced 1 April 2009

1 Name of individual	(i) Public Body	(ii) Arms-length bodies	Additional Comments
Mr Sean Hogan		Agri-Food and Biosciences Institute (AFBI)	AFBI Chair – Re-appointment – commenced 1 April 2010
Mr Trevor Hinds		Agri-Food and Biosciences Institute (AFBI)	Candidate successful – Appointment commenced 1 April 2010
Mr Seamus McCaffrey		Agri-Food and Biosciences Institute (AFBI)	Candidate successful - Appointment commenced 1 April 2010
Mr Alan McKeown		Agri-Food and Biosciences Institute (AFBI)	Candidate successful - Appointment commenced 1 April 2010
Mrs Hilda Stewart		Agri-Food and Biosciences Institute (AFBI)	Candidate successful - Appointment commenced 1 April 2010
Mr Kieran Campbell		Agri-Food and Biosciences Institute (AFBI)	Finance member extension of appointment - commenced 1 April 2010
Dr Michael Holywood		Agri-Food and Biosciences Institute (AFBI)	Finance member extension of appointment - commenced 1 April 2010
Mr John Clarke	Drainage Council		
Mr Tom Clarke	Drainage Council		
Mr Jeff Glass	Drainage Council		
Mr Trevor Hinds	Drainage Council		
Ms Rosemary Dobbins	Drainage Council		
Mr Sean Clarke	Drainage Council		
Mr Allan Rainey	Drainage Council		
Mr Dudley Hutchings	British Wool Marketing Board		The BWMB is a north of Ireland and Britain -wide body. Appointments require the agreement of all 4 Agriculture Ministers.
Mrs Judith Donovan	British Wool Marketing Board		
Mrs Sarah Havlin	Agricultural Wages Board		

1 Name of individual	(i) Public Body	(ii) Arms-length bodies	Additional Comments
Mrs Delia Van der Lenden	Agricultural Wages Board		
Mr Ian Morris	Northern Ireland Fishery Harbour Authority (NIFHA)		
Mr Brian Majury	Northern Ireland Fishery Harbour Authority (NIFHA)		
Mr Harold Henning	Northern Ireland Fishery Harbour Authority (NIFHA)		
Mr Roy Teggarty	Northern Ireland Fishery Harbour Authority (NIFHA)		
Ms Margaret Andrews	Northern Ireland Fishery Harbour Authority (NIFHA)		
Mr Terry Jarvis	Northern Ireland Fishery Harbour Authority (NIFHA)		
Mr Gordon Irwin	Northern Ireland Fishery Harbour Authority (NIFHA)		
Mr Owen Brennan		Livestock and Meat Commission for Northern Ireland	Re-appointment
Mr Patrick O'Rourke		Livestock and Meat Commission for Northern Ireland	Appointment
Mr Kenneth Sharkey		Livestock and Meat Commission for Northern Ireland	Appointment
Mrs Mary McCormack		Livestock and Meat Commission for Northern Ireland	Appointment
Mr Phelim O'Neill		Livestock and Meat Commission for Northern Ireland	Appointment
Mr Jim Noble		Livestock and Meat Commission for Northern Ireland	Appointment and re-appointment
Mr John McGaughey		Livestock and Meat Commission for Northern Ireland	Re-appointment

1 Name of individual	(i) Public Body	(ii) Arms-length bodies	Additional Comments
Mr Campbell Tweedie		Livestock and Meat Commission for Northern Ireland	Appointment and re-appointment
Mr Colin Coffey	DARD Research and Education Advisory Panel		Re-appointment 2007; extension 2008 - both accepted
Prof. Bertus Rima	DARD Research and Education Advisory Panel		Re-appointment 2007; extension 2008 - both accepted
Dr Sally Shortall	DARD Research and Education Advisory Panel		Re-appointment 2007; extension 2008 - both accepted
Prof. Roderick Blackshaw	DARD Research and Education Advisory Panel		Extension 2008 - accepted
Mr Lewis Cunningham	DARD Research and Education Advisory Panel		Extension 2008 - accepted
Mr. Bernard McKay	DARD Research and Education Advisory Panel		Extension 2008 - accepted
Dr. John Sherlock	DARD Research and Education Advisory Panel		Extension 2008 - accepted

Kilkeel Harbour

Ms M Ritchie asked the Minister of Agriculture and Rural Development, pursuant to AQW 4372/11, to outline a precise time-frame for when the economic appraisal of the options to address safety at Kilkeel Harbour will be presented.

(AQW 4631/11)

Minister of Agriculture and Rural Development: I presented the results of the economic appraisal of the options to address navigational safety at Kilkeel Harbour in my response to an Assembly Oral Question on 22 February 2011. I have decided that the Fishery Harbour Authority and port users should start work to develop an Enhanced Safety Management System and bring this into operation as soon as possible.

Suicide Prevention

Ms S Ramsey asked the Minister of Agriculture and Rural Development to outline where suicide prevention sits within her Department's Programme for Government targets.

(AQW 4822/11)

Minister of Agriculture and Rural Development: Back in 2001 my Department helped establish the Rural Support charitable organisation which works within the farming and rural community and provides a 24-hour helpline which offers a listening ear and signposting service to help deal with paperwork, financial issues, stress and feelings of anxiety, including suicide.

My Department is leading on the current Programme for Government target to bring forward a £10m package to tackle rural poverty and exclusion and within this continue to fund Rural Support. As well

as supporting their key service this funding enables among other things their active participation in initiatives aimed at preventing suicide and self harm including the inter-sectoral Suicide Strategy Implementation Body which was established to oversee and advise on the implementation of the 2006 DHSSPS Suicide Prevention Strategy "Protect Life". This strategy contains actions to ensure support services for marginalised groups including rural communities, and to develop a culture of help seeking among people in occupations that have a high risk of suicide.

The wider schemes and initiatives within the anti-poverty and exclusion programme, such as childcare, concessionary transport, community development and the challenge programme local projects will also play a key role in assisting those individuals that have become excluded. Both the Rural Challenge Programme and Axis 3 of the Rural Development Programme are supporting projects from organisations that support those effected by suicide and activities aimed at preventing suicide.

Suicides have a devastating impact on families and communities and we must do all that we can to ensure that support is available for those who may think that suicide is the only answer to their problems.

Young Farmers' Clubs of Ulster

Mr P Frew asked the Minister of Agriculture and Rural Development, in light of her decision to continue funding the Young Farmers' Clubs of Ulster (YFCU) for the next three years, what are the implications for the Clubs in the final year of the 2011-15 budget period; and whether funding for the Clubs will be available over the entire budget period and beyond.

(AQW 4833/11)

Minister of Agriculture and Rural Development: The YFCU sought to renew the grant for a further term of three years and this is what I have agreed to. At the end of the funding period in March 2014, the position with regard to the final year of the budget period and beyond will be reviewed. Decisions will then be taken based on the budget priorities at that time, and the delivery of outcomes by the YFCU against the objectives and targets set.

Electric Shock Dog Collar Training Devices

Mr C Lyttle asked the Minister of Agriculture and Rural Development whether she has any plans to introduce a ban on electric shock dog collar training devices, given the introduction of the Animal Welfare (Electronic Collars) Regulations in Wales.

(AQW 4962/11)

Minister of Agriculture and Rural Development: I would refer the Member back to the Answer that I gave him on this matter on 27 January 2011. I have no plans at present to introduce a ban on electronic collar training devices. The Welfare of Animals Bill, which has now completed its passage through the Assembly and is expected to receive Final Assent shortly, includes the power to make subordinate regulations to secure the welfare of animals. This will provide the power to ban shock collars in future if the evidence shows that it is necessary. DEFRA commissioned research in 2007 into the use of shock collars which is expected to be completed in June 2011. The research will then need to be peer reviewed. When the outcome of that review is available I will consider if a ban on the use of these collars is necessary. Any subordinate legislation would be subject to public consultation, scrutiny by the Agriculture and Rural Development Committee and approval by affirmative resolution of the Assembly.

Department of Culture, Arts and Leisure

Appointments to Public Bodies and Arm's-Length Bodies

Mr G Campbell asked the Minister of Culture, Arts and Leisure to detail the number and names of individuals that have been appointed to (i) public bodies; and (ii) arms-length bodies since May 2007.

(AQW 4564/11)

Minister of Culture, Arts and Leisure (Mr N McCausland): A total of 96 individuals have been appointed to Public Bodies under the remit of the Department of Culture, Arts and Leisure since May 2007.

The names of these individuals are listed per body in Annex A attached.

ANNEX A

Public Body	Individual (Appointment Date)
Armagh Observatory and Planetarium - Board of Governors	Mr William Gregory Hamilton Berry (01/01/11)
Armagh Observatory and Planetarium - Management Committee	Mr Eamonn Peter Donnelly (01/11/08)
	Councillor James Ignatius Shields (01/11/08)
	Mr Alastair Peoples (01/11/08)
	Mrs Primrose Eileen Wilson (01/11/08)
	Dr Áine Downey (01/07/08)
	Mrs Sue Hogg (01/07/08)
	Dr Michael McKay (01/01/11)
	Mr Richard Brett Hannam (01/01/11)
Arts Council of Northern Ireland	Mrs Rosemary Kelly (01/07/07)
	Mrs Eithne Benson (01/07/07)
	Mrs Katherine Bond (01/07/07)
	Mrs Lucia Finnegan (01/07/07)
	Mr Anthony Kennedy (01/07/07)
	Mr William H C Montgomery (01/07/07)
	Ms Sharon O'Connor (01/07/07)
	Mr Peter Spratt (01/07/07)
	Mr Raymond Fullerton (01/07/07)
	Mr Damien Coyle (01/12/07)
	Professor Paul Seawright (01/12/07)
	Mr Joseph Rice (01/12/07)
	Mr David Irvine (01/12/07)
	Mr Brian Sore (01/12/07)
	Mrs Janine Walker (01/12/07)
	Professor Ian Montgomery (09/04/08)

Public Body	Individual (Appointment Date)
Fisheries Conservancy Board	Dr Robert Hanna (01/01/08)
	Mr Mick Cory (01/01/08)
	Ms Hazel Campbell (01/09/08)
	Rev OP Kennedy (14/10/08)
	Mr Edward Montgomery (01/10/08)
	Mr David Cowan (01/12/08)
	Mr Robbie Marshall (15/12/08)
National Museums Northern Ireland	Miss Linda Beers (01/07/08)
	LT Colonel (Rtd) Reginald Harvey Bicker (01/07/08)
	Dame Geraldine Keegan (01/07/08)
	Mrs Wendy Osborne (01/07/08)
	Mr Thomas Shaw (01/07/08)
	Dr Alastair Walker (01/07/08)
	Mr James Neil Bodger (01/07/08)
	Mr Pat Carvill (01/07/08)
	Mr Joe Kelly (01/07/08)
	Dr John Richard Browne McMinn (01/07/08)
	Mr John David William Moore (01/07/08)
	Ms Margaret Anne Peoples (01/07/08)
	Dr Brian Scott (01/07/08)
Northern Ireland Library Authority	Mr Daniel Harvey, member (01/07/08) Chair (01/01/09)
	Dr D S Elliott (01/12/08)
	Mr Patrick Carvill (01/04/09)
	Mr Alastair James McDowell OBE (01/04/09)
	Ms Jane Roberta Williams (01/04/09)
	Councillor Hubert Nicholl (01/08/09)
	Councillor Ms Evelyne Robinson (01/08/09)
	Councillor Jim Rodgers (01/08/09)
	Councillor Patrick Cathal Mullaghan (01/08/09)
	Councillor Ms Carla Lockhart (01/08/09)
	Councillor Samuel Cole (01/08/09)
	Councillor Allan Ewart (01/08/09)
	Councillor Mrs Anne Brolly (01/08/09)

Public Body	Individual (Appointment Date)
Northern Ireland Library Authority	Councillor Charlie Casey (01/08/09)
	Councillor Mrs Roberta Dunlop (01/08/09)
	Councillor James Ignatius Shields(01/08/09)
	Mr David Roger Dixon, MBE (01/10/09)
	Mr Nigel S Macartney (01/10/09)
	Ms Angela Matthews (01/10/09)
	Ms Helen Elizabeth Roulston (01/10/09)
Northern Ireland Screen Commission	Mr Richard (Rick) Hill, Vice Chair (01/01/08) Chair (01/01/09)
	Mr Phillip Morrow (01/09/07)
	Ms Mairead Regan (01/09/07)
	Ms Maria McCann (01/09/07)
	Mr Terry Loane (01/09/07)
	Dr Roger Austin (01/09/07)
	Mr Peter Quinn (01/09/07)
	Mr Tim McKane (01/01/08)
	Ms Ruth Helene McCance (01/01/08)
	Mr James Michael Penny (01/01/08)
	Ms Anne Therese Cormican (01/01/08)
	Ms Kate Smith (01/01/08)
	Mr Brian McMahon(01/04/10)
Sport Northern Ireland	Mr Dominic Walsh Vice Chair (01/01/08) Chair (01/08/08)
	Dr Olive Brown (01/01/08)
	Mr Murray Cowan (01/01/08)
	Mr John D'Arcy (01/01/08)
	Ms Una Duncan (01/01/08)
	Mr Barry Macaulay (01/01/08)
	Mr Brian McCargo (01/01/08)
	Mr Hugh McCaughey (01/01/08)
	Ms Maura Muldoon (01/01/08)
	Mr Danny O'Connor (01/01/08)
	Councillor Jim Rodgers (01/01/08)
	Mr Alan Strong (01/01/08)
	Mr Patrick Turnbull (01/01/08)

Public Body	Individual (Appointment Date)
Sport Northern Ireland	Mr Alan Money Penny member (01/01/08) Vice Chair (01/10/09)

Libraries NI

Mr J O'Dowd asked the Minister of Culture, Arts and Leisure to outline the criteria which are being used by Libraries NI to assess the viability of public libraries such as the one in Gilford, County Down. **(AQW 4697/11)**

Minister of Culture, Arts and Leisure: Library services in communities such as Gilford are being considered within Libraries NI's ongoing strategic Review of the libraries estate.

The criteria being used to identify the viability of public libraries are:

- Fit for purpose;
- Capable of delivering on the vision of Libraries NI;
- In the right location; and
- Sustainable.

I would also refer you to the Libraries NI website for additional background information on this Review.

Cultural Tourism Attractions

Mr D McClarty asked the Minister of Culture, Arts and Leisure what measures he will take to ensure that cultural tourism attractions, such as the Metropolitan Arts Centre, the New Lyric Theatre and the Derry-Londonderry UK City of Culture 2013 celebrations, are successful in delivering their potential economic contribution, given that many of the organisations responsible for the cultural programming of events and venues are subject to the cuts proposed by his Department. **(AQW 4700/11)**

Minister of Culture, Arts and Leisure: My Department has provided significant capital investment for both the Metropolitan Arts Centre and Lyric Theatre, investing a total of over £20m in the two projects. These buildings will improve the arts offering in Northern Ireland and I recognise the importance of protecting this investment. The Arts Council will prioritise revenue funding for capital projects such as the Lyric and the MAC to protect the considerable investment which has been made by my Department and other funders.

In relation to the 2013 UK City of Culture, DCAL has not allocated any funding towards the costs of programming the 2013 UK City of Culture celebrations in Londonderry.

The UK City of Culture competition was initiated by the Department of Culture, Media and Sport. It was made clear at the outset that no additional funding would be provided to cities bidding for the award, either for the bidding process or for programming, in the case of the successful city.

However I have advocated for the Executive to consider how it might support a collective recognition of the opportunity for Northern Ireland presented by Londonderry's success.

2011-15 Budget Proposals

Mr D McClarty asked the Minister of Culture, Arts and Leisure, given that his Department will be subject to the second biggest reduction in funding as a result of the draft 2011-15 Budget, what plans he has put in place to help the arts industry deal with any shortfall in funding and prevent Northern Ireland becoming a no-go zone for the arts. **(AQW 4701/11)**

Minister of Culture, Arts and Leisure: The Arts Council's total resource budget over the four year period of £50.286m represents a 7.7% reduction, against its 2010/11 baseline position. However, on a more positive note, I recently announced a new investment of £4million in the creative industries which will build on the success of the Creative Industries Innovation Fund and help this area of the arts sector.

I appreciate that the Arts Council and the arts sector will face a major challenge and I have met with the Arts Council to discuss the implications of the draft budget and my priorities for the arts.

I will continue to work with my officials, the Arts Council and other stakeholders in an effort to ensure that the impact of cuts is minimised.

My Department has invested heavily in the arts and every effort will be made to ensure the continued success of the arts.

Arts Council Budget Cuts

Mr D McClarty asked the Minister of Culture, Arts and Leisure why he is committed to protecting projects such as the Ulster Scots Academy with a potential risk of losing the economic, social and cultural contribution made by creative professionals because of the 23 per cent cuts which are expected by the Arts Council.

(AQW 4702/11)

Minister of Culture, Arts and Leisure: DCAL faces a significant reduction in its budget and this inevitably will impact on how the Department can allocate its budget, including funding for the arts.

The Department's draft proposals include an allocation to the Arts Council which represents a 7.7% reduction over four years, from its 2010/11 baseline position. The Arts Council's budget will receive a modest increase in 2011/12 and will not be reduced until 2012/13.

I am keen to ensure the continued sustainability of the overall arts sector and will take this into consideration in making a final decision about the level of funding for the Arts.

On a positive note, in the draft budget, the Northern Ireland Executive has assigned an additional £4m to help develop the skills and capacity to grow the creative industries.

In relation to the Ulster-Scots Academy, there has been a political commitment since 2003 to make funding available for the project. It remains a significant gap in the cultural infrastructure in Northern Ireland and it is important that the Ulster-Scots sector is given the same respect and recognition as the Irish Language sector.

However whilst the Academy is a Departmental priority, this is not a case of ring fencing, and if cuts are being considered everybody will be treated fairly and equitably.

National Lottery Funding

Mr D McClarty asked the Minister of Culture, Arts and Leisure why the Deputy Secretary of his Department stated, at a recent Northern Ireland Council for Voluntary Action meeting, that Lottery Funding could be used by organisations to meet the deficit in core-funding resulting from cuts to the Arts Council budget, when guidance from the Department of Culture, Media and Sport states that Lottery funding is for one-off projects and should be used in addition to Government funding.

(AQW 4704/11)

Minister of Culture, Arts and Leisure: Addressing the NICVA meeting, the Deputy Secretary made two important points. Firstly, he said that in coming to allocations across its service areas, the Department had been mindful of a number of factors, one of which was the capacity of the particular sector to avail of alternative sources of funding, including from the Lottery. Secondly, the Deputy Secretary pointed out that funding for the Arts and Sport from Lottery sources is projected to increase over the over the Budget 2010 period.

My Department fully acknowledges and accepts the principle that Lottery Funding cannot directly substitute for Executive funding. However it is appropriate for Lottery funds to be used to complement or add value to Exchequer funds or to support projects where additionality can be demonstrated. It is, therefore, the case that the Arts sector in general will benefit significantly from Lottery Funding in the near future and so perfectly appropriate for my Department to take this into consideration in allocating draft budgets.

World Police and Fire Games in 2013

Mr T Lunn asked the Minister of Culture, Arts and Leisure for an update on the arrangements made for the World Police and Fire Games in 2013.

(AQW 4716/11)

Mr T Lunn asked the Minister of Culture, Arts and Leisure whether sporting facilities will be of a sufficient standard to host the World Police and Fire Games by 2013.

(AQW 4717/11)

Mr T Lunn asked the Minister of Culture, Arts and Leisure, given that funding has been withdrawn for the development of the five elite sports facilities, whether alternative facilities can be developed of a standard suitable for the World Police and Fire Games in 2013.

(AQW 4718/11)

Mr T Lunn asked the Minister of Culture, Arts and Leisure whether an athletics stadium with the capacity to accommodate the number of participants and spectators forecast for the World Police and Fire Games will be in place by 2013.

(AQW 4719/11)

Mr T Lunn asked the Minister of Culture, Arts and Leisure what plans he has to ensure that adequate accommodation exists for the number of participants and spectators who will be travelling to Northern Ireland for the World Police and Fire Games in 2013.

(AQW 4720/11)

A composite answer has been provided for AQW4716, AQW4717, AQW4718, AQW4719 and AQW4720

Minister of Culture, Arts and Leisure: A Company Limited by Guarantee which will be sponsored and monitored by my Department has been established to deliver the Games in August 2013 and I have appointed the Chairman and Directors of the Company. The inaugural meeting of the Board of Directors was held on 21 February 2011.

A 2013 Stakeholder Group, chaired by DCAL and incorporating key stakeholders from the Police Service for Northern Ireland, NI Prison Service, NI Fire and Rescue Service, Belfast City Council and Sport NI, managed the 2013 World Police and Fire Games project until such times as a delivery vehicle was established. The Stakeholder Group had identified and taken forward preparatory work on various workstreams including Volunteering, Tourism, Legacy, Transport and Logistics and Sport for the planning and organisation of the Games in conjunction with relevant external bodies and this will now be the responsibility of the Company.

Although no final decisions have been made in regard to the location of any sporting venues for the 2013 Games, an advertisement was placed in the Belfast Telegraph by Sport Northern Ireland on behalf of the Stakeholder Group on Friday 2nd July 2010 seeking expressions of interest for venue owners wishing to host sporting events.

Sport Northern Ireland has completed Stage One of the Expression of Interest exercise to identify sporting venues that meet the standards required by the World Police and Fire Games (WPF) Federation. Venues both within and outside of Belfast have met the standard and a process to select venues is currently underway. As yet no final decisions have been made.

The selection criteria will include proximity to the Games Village. However, in exceptional circumstances, where there is no suitable venue within Belfast for a particular sport, or where there

is an exceptional venue outside of Belfast, other venues will be considered. The Games Village will be located in close proximity to Belfast City Centre.

In relation to the five elite sports facilities there was no requirement from the WPFG Federation for these facilities to be built and as I have already stated there are suitable venues within Northern Ireland that meet the Federation's standards.

Belfast City Council is currently developing options for venues suitable for hosting the various ceremonies such as the opening and closing ceremonies and will bring forward proposals to the Board of Directors for consideration. However, it should be borne in mind that there is no requirement from the WPFG Federation to host either of these ceremonies in a stadium.

Belfast City Council on behalf of the Board of Directors are working in conjunction with the Belfast Visitor and Convention Bureau on how best to meet the accommodation needs of all the visitors expected in August 2013. Options such as the siting of cruise liners as floating hotels are being considered should there be a shortfall in accommodation available for guests.

Sport NI: Safer Stadia Funding

Mr C Lyttle asked the Minister of Culture, Arts and Leisure for his assessment of the effectiveness of Sport NI Safer Stadia funding in helping local soccer clubs improve stadia safety and crowd capacity. **(AQW 4768/11)**

Minister of Culture, Arts and Leisure: Responsibility for improving safety and crowd capacity at local football grounds rests, in the first instance, with the owners and operators of those grounds. However, for some time, I and my Department have had in place a Safe Sports Grounds initiative the aim of which is to assist the owners and operators of major stadiums to improve safety at their venues. The provision of financial assistance for ground improvements through safer stadia programmes is one part of this initiative and, to date, over £8m has been awarded to football clubs by my Department, through Sport Northern Ireland, for this purpose. As a result of this funding significant structural improvements have been carried out at many local football club venues. In addition to this, funding has also been made available to assist football clubs to improve safety management arrangements. At those grounds where infrastructure and safety management has improved with assistance from safer stadia programme funding, district councils have been able to allocate higher safe crowd capacities in the respective safety certificates.

Olympic Team

Mr G Campbell asked the Minister of Culture, Arts and Leisure what steps are being taken to ensure that the Olympic team which represents England, Scotland, Wales and Northern Ireland is accurately described as Team UK rather than Team GB. **(AQW 4785/11)**

Minister of Culture, Arts and Leisure: I have made representation to the British Olympic Association (BOA) for a change in branding and specifically that the team should be branded as Team UK rather than Team GB.

You had helpfully raised this matter at a UK Sports Cabinet meeting on 9th June 2009, when you were Minister and further to that I raised this issue at the UK Minister's meeting at the Commonwealth Games, Delhi, and more recently at the UK Sports Cabinet which was held on 15th February 2011. Sports Cabinet agreed that the Chair of the meeting (Alun Ffred Jones) would write to the BOA on behalf of Sports Cabinet to express a collective view that there is merit in BOA considering a name change - from Team GB to Team UK. I am pleased that I have secured the support of the UK Sports Cabinet on this important issue.

Incident During an Irish Cup Match

Mr P Butler asked the Minister of Culture, Arts and Leisure (i) what action his Department has taken in response to an incident during an Irish Cup match in April 2010 involving a Ballymena United footballer, as reported in the *Anderstown News*; and (ii) whether his Department took up this incident with the Irish Football Association when it was first reported.

(AQW 4795/11)

Minister of Culture, Arts and Leisure: Responsibility for taking action in response to reported incidents concerning the behaviour of players during any competitive sports match are outside the remit of my Department and entirely a matter for the club concerned and relevant governing body. Furthermore, my Department had no knowledge of an incident during an Irish Cup match in April 2010 involving a Ballymena United football player. Consequently DCAL has taken no action in relation to this matter.

Incident During an Irish Cup Match

Mr P Butler asked the Minister of Culture, Arts and Leisure what steps his Department is taking in response to the recent media coverage regarding an incident involving a Ballymena United player during the Northern Ireland versus Scotland soccer match at the Aviva stadium; and whether he or his Department have taken this matter up with the Irish Football Association.

(AQW 4796/11)

Minister of Culture, Arts and Leisure: Responsibility for taking action in response to the recent media coverage regarding an incident allegedly involving a Ballymena United player in and around the Northern Ireland versus Scotland football match on 9 February 2011 at the Aviva stadium rests, in the first instance, with the Irish Football Association (IFA). I understand that the IFA is currently investigating the events on that day and that, as a result, the name of one of those allegedly involved in the incident has been given to the Association. The IFA has stated publicly that it is seeking to confirm the identity of this individual and that, if confirmed, it will place a life time ban on the person from receiving tickets to all Northern Ireland international games, home and away. I also understand that the IFA has asked for a police report on the incidents in and around the Aviva Stadium. Given the present position and that investigations are continuing, it has not been necessary for my Department to take this matter up with the IFA.

I have, however, publicly stated that I was extremely disappointed by the behaviour shown on YouTube footage, and reported in the media, which involved a group of approximately 30 people purporting to support Northern Ireland. I have also said that the behaviour of that small group does nothing to promote the good name of football and sport in Northern Ireland to other regions and is totally unrepresentative of the majority of Northern Ireland fans who attended the match against Scotland in Dublin.

Suicide Prevention

Ms S Ramsey asked the Minister of Culture, Arts and Leisure to outline where suicide prevention sits within his Department's Programme for Government targets.

(AQW 4823/11)

Minister of Culture, Arts and Leisure: There are no specific actions pertaining to suicide prevention in my Department's Programme for Government targets.

However, DCAL participates in the Ministerial Co-ordination Group for Suicide Prevention.

Local Libraries

Mr D Kinahan asked the Minister of Culture, Arts and Leisure what action he is taking to ensure the protection and retention of libraries, in particular those libraries which are successful at providing a service to the local community, such as Greystone library.

(AQW 4834/11)

Minister of Culture, Arts and Leisure: This has been one of the most difficult spending reviews of recent times. DCAL's draft budget was recently out to public consultation, with a closing date of 16 February and while the draft settlement for libraries is challenging there should be an emphasis on mitigating the impact of the settlement on front line service.

My Department is committed to ensuring that Libraries NI is able to continue to deliver its functions effectively and to meet its existing commitments.

I know that the Libraries NI Board and Senior Management Team have given great consideration to the issue of efficiency savings and income generation in preparing their current Savings Delivery Plans.

However the possible closure of any local library is fundamentally an operational issue for Libraries NI and I wish to emphasise that nothing has been finalised by the Libraries NI Board at this stage.

Libraries: Possible Closure or Reform

Mr D Kinahan asked the Minister of Culture, Arts and Leisure whether libraries with high levels of footfall and borrowing statistics are at an advantage when they are being reviewed for potential closure or reform.

(AQW 4835/11)

Minister of Culture, Arts and Leisure: Library services are being considered within Libraries NI's ongoing strategic Review of the libraries estate.

The criteria being used to identify the viability of public libraries are:

- Fit for purpose;
- Capable of delivering on the vision of Libraries NI;
- In the right location; and
- Sustainable.

The collection of statistics is an important part of the review process as are other examples, such as public consultation which includes fact finding meetings with the public.

I would refer you to the Libraries NI website for additional background information on this Review.

Closure of Local Libraries

Mr D Kinahan asked the Minister of Culture, Arts and Leisure whether his Department is content that it has exhausted all other possibilities for savings or revenue generation before implementing the closure of local libraries.

(AQW 4837/11)

Minister of Culture, Arts and Leisure: This has been one of the most difficult spending reviews of recent times. DCAL's draft budget was recently out to public consultation, with a closing date of 16 February and while the draft settlement for libraries is challenging there should be an emphasis on mitigating the impact of the settlement on front line service.

My Department is committed to ensuring that Libraries NI is able to continue to deliver its functions effectively and to meet its existing commitments.

I know that the Libraries NI Board and Senior Management Team have given great consideration to the issue of efficiency savings and income generation in preparing their current Savings Delivery Plans.

However the possible closure of any local library is fundamentally an operational issue for Libraries NI and I wish to emphasise that nothing has been finalised by the Libraries NI Board at this stage.

Permanent Display of Union Flags or Ulster Flags at Stadia

Mr P Butler asked the Minister of Culture, Arts and Leisure what discussions his Department has had with Irish League clubs and the Irish Football Association regarding the permanent display of Union Flags or Ulster Flags at stadia.

(AQW 4869/11)

Minister of Culture, Arts and Leisure: The permanent display of Union flags at Irish League and Irish Football Association stadiums in Northern Ireland is entirely a matter for the owners and operators of those grounds. Consequently my Department has had no discussions with Irish League clubs or the Irish Football Association on this issue. I would remind the Member that the Union flag is the official flag of the United Kingdom of Great Britain and Northern Ireland.

Legislation

Mr D Kinahan asked the Minister of Culture, Arts and Leisure to detail all legislation, since May 2007, that has gone through, or is going through, the Assembly which devolves powers or responsibilities from his Department to local government authorities.

(AQW 4882/11)

Minister of Culture, Arts and Leisure: Since May 2007, my Department has not enacted any legislation which devolves powers or responsibilities to local government authorities.

Libraries: Ballynahinch

Mr S Hamilton asked the Minister of Culture, Arts and Leisure to outline the nature of the ongoing refurbishment of Ballynahinch Library; and how much is being invested in this refurbishment.

(AQW 4900/11)

Minister of Culture, Arts and Leisure: The current refurbishment works underway at Ballynahinch library are intended to upgrade and improve the facilities available to the public in a number of ways;

- Creating a children's zone including dedicated children's PC's to provide a modern, safe and attractive environment for our younger members.
- Providing an accessible (DDA Compliant) and attractive adult library through the reorganisation of internal spaces, new floor/wall covering, creation of a comfortable adult computer area to facilitate extended usage of ICT.
- Relocating and upgrading the public and disabled toilet facilities.
- Creating a browsing/newspaper and magazine area with comfortable seating and natural light.
- Improving staff working conditions by the creation of a new office and staff welfare facilities.
- Addressing issues with the previous layout relating to fire escape routes.

These improvements will provide an environment which will allow Libraries NI to deliver enhanced service provision to existing and potential new customers at Ballynahinch library and represents an investment of £110,000 in the property.

Irish League Football Grounds: Spectator Capacity

Mr P Weir asked the Minister of Culture, Arts and Leisure what actions have been taken to restrict spectator capacity of Irish League football grounds in the last ten years; and what were the reasons for these restrictions.

(AQW 4915/11)

Minister of Culture, Arts and Leisure: The Department of Culture, Arts and Leisure (DCAL) has no information on any actions taken in the last 10 years to restrict spectator capacity (ie the number of spectators for which a sports ground has accommodation) at Irish League football grounds. Spectator

capacities at sports grounds, including Irish League football grounds, are wholly determined by the physical dimensions, design and lay out of their spectator viewing accommodation. Any restrictions on the physical dimensions, design and lay out of spectator viewing accommodation at Irish League football grounds, and the reasons for these, are entirely a matter for the owners and operators of the venues in question.

Irish Premier League Stadia: Capacities

Mr P Weir asked the Minister of Culture, Arts and Leisure to detail the current spectator capacities at each of the Irish Premier League stadia; and how these capacities compare to the capacities of the same grounds ten years ago.

(AQW 4917/11)

Minister of Culture, Arts and Leisure: The current spectator capacities of Irish Premier League grounds are a matter, in the first instance, for the owners and operators of those grounds. However, for the purposes of determining which football grounds should be designated as requiring a safety certificate under the Safety of Sports Grounds (Designation) (No.2) Order (Northern Ireland) 2009, my Department carried out an exercise in 2009 to calculate the estimated official capacities (ie number of spectators for which a sports ground has accommodation) of major sports grounds in Northern Ireland. The table below details the official estimated capacity, at that time, of each of the current Irish Premier League grounds. My Department does not retain information on the capacities of the same grounds ten years ago.

Club	Ground	Estimated official capacity
Ballymena UTD FC	The Showgrounds	8,426
Cliftonville FC	Solitude	6,224
Coleraine FC	The Showgrounds	13,132
Crusaders FC	Seaview	5,473
Donegal Celtic FC	Suffolk Road	8,283
Dungannon Swifts FC	Stangmore Park	4,360
Glenavon FC	Mourneview Park	6,087
Glentoran FC	The Oval	26,556
Linfield FC	Windsor Park	24,734
Lisburn Distillery FC	New Grosvenor	3,786
Newry City FC	The Showgrounds	7,949
Portadown FC	Shamrock Park	5,804

Department of Education

Capital Spend

Mr M Storey asked the Minister of Education to detail her Department's capital spend in each of the last ten years.

(AQW 4178/11)

Minister of Education (Ms C Ruane): Coinníonn mo Roinn eolas ar chaiteachas caipitil ón bhliain airgeadais 2001/02. Seo a leanas na sonraí:

My Department holds information on capital spend from the 2001/02 financial year. Details are as follows:

	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	Total
Amount (£m)	£112	£129	£145	£150	£126	£132	£158	£199	£242	£1,393

Support Services for Children Who are Deaf

Mr P Weir asked the Minister of Education what specialist support services are available for children who are deaf, particularly during their early years.

(AQW 4377/11)

Minister of Education: Cuireann gach ceann de na 5 Bhord Oideachais agus Leabharlann seirbhísí faoi leith ar fáil do pháistí atá bodhar nó a bhfuil lagú éisteachta orthu.

Each of the 5 Education and Library Boards provide specific services for children who are deaf or have a hearing impairment. These services, which are staffed by qualified teachers of the deaf and other support staff, offer a wide range of support for children and parents from the time of diagnosis, which may be through the New Born Hearing Screening Programme or from referral by other professionals.

Support services, particularly during the early years, include:

- support for families to assist them in adjusting to permanent deafness in a child;
- provision of information on the nature and impact of deafness;
- provision of information to inform families' decision making about communication approaches and education options;
- supporting the development of language and communication in deaf children;
- teaching/support to hearing impaired pupils in mainstream schools, special schools and units;
- establishment and development of effective use and maintenance of hearing aids/cochlear implants at home;
- monitoring and marking progress audiologically, linguistically and developmentally; and
- co-ordinating and facilitating contact with other families with deaf children, professionals and voluntary organisations.

Appointments to Public Bodies and Arm's-Length Bodies

Mr G Campbell asked the Minister of Education to detail the number and names of individuals that have been appointed to (i) public bodies; and (ii) arm's-length bodies since May 2007.

(AQW 4447/11)

Minister of Education:

- (i) Comhlachtaí Poiblí Neamhrannacha (NDPBanna)

NON-DEPARTMENTAL PUBLIC BODIES (NDPBS)

Name of Body	Number of Appointees	Name of Appointee
Belfast Education and Library Board	12	Cllr David Browne Cllr Brieghe Brownlee Cllr Marie Hendron Cllr Bob Stoker Rev Norman Hamilton Ms Dinah MacManus Ms Mairead McCafferty Rev John McDowell Ms Carmel McKinney Mr Gerry McMahon Ms Rosemary Rainey Mr Kevin Smyth
North Eastern Education and Library Board	24	Cllr Orla Black Cllr James Brown Cllr Trevor Clarke Cllr Samuel Cole Cllr James Currie Cllr Lynn Frazer Cllr Alexander Gilkinson Cllr Sean Kerr Cllr Evelyn Robinson Rev Amanda Adams Alderman Roy Beggs Ms Muriel Crockett Mr John Devlin Mr Joseph Donaghy Ms Una Duncan Dr David Elliott Rev Selwoode Graham Rev Trevor Jamieson Mr Samuel McCrea Mr Michael Newman Dr Alan Preston Mr Sean Quinn Mr Liam Raven Ms Gillian Scott

Name of Body	Number of Appointees	Name of Appointee
Southern Education and Library Board	19	Cllr Charlie Casey Cllr James Cavanagh Cllr Sean Clarke Cllr Phelim Gildernew Cllr Carla Lockhart Cllr Junior McCrum Cllr Sylvia McRoberts Cllr Mick Murphy Cllr Sean Rogers Cllr Philip Weir Ms Roberta Brownlee Mr Plunkett Campbell Dr Peter Cunningham Mr Ciaran Mackin Ms Kay McCaul Rev John McKegney Mr Ronald McVeigh Prof Patrick Murphy Mr John Wilkinson
Western Education and Library Board	17	Cllr Anne Brolly Cllr Maurice Devenney Cllr Mark Durkan Cllr Shaun Gallagher Cllr Derek Hussey Cllr Robert Irvine Cllr Patricia Logue Cllr Declan McAleer Ms Kathleen Bradley Ms Margaret Cooper Mr Peter Duffy Ms Rita Fox Rev Robert Herron Ms Grainne McCafferty Mr Donal McDermott Mr Fintan Murphy Mr Gordon White

ARMS-LENGTH BODIES

Name of Body	Number of Appointees	Name of Appointee
General Teaching Council (GTCNI)	1	Ms Jennifer Cornyn
Middletown Centre for Autism Ltd	5	Mr Donal Flanagan Prof Mary Hanratty Mr J H Mullan Ms Daphne O'Kane Ms Ethel Ruddock

Electricity

Mr J Spratt asked the Minister of Education how much her Department and its arms-length bodies have spent on electricity in each of the last three available financial years.

(AQW 4461/11)

Minister of Education: Taispeántar sa tábla seo a leanas an caiteachas leictreachais a bhí ag mo Roinn agus ag na comhlachtaí ar neamhchomaoin léi, i ngach bliain le trí bliana anuas.

My department and its arms-length bodies have incurred expenditure on electricity in each of the last three financial years as shown in the following table:

Electricity Expenditure	2007-08 £'000	2008-09 £'000	2009-10 £'000
Department of Education	3	5	4
Belfast Education & Library Board	1,775	2,051	2,216
North Eastern Education & Library Board	2,458	2,898	3,350
Southern Education & Library Board	2,667	3,111	3,695
South Eastern Education & Library Board	2,155	2,224	2,616
Western Education & Library Board	2,535	2,979	3,224
Staff Commission for Education & Lib. Boards	1	1	1
Council for Catholic Maintained Schools	16	22	25
NI Council Curriculum Exams. & Assessment	123	144	144
Youth Council for N I	4	4	5
NI Council for Integrated Education	3	4	4
Comhairle na Gaelscolaíochta	1	4	5
Voluntary Grammar Schools	2,315	3,010	2,797
Grant Maintained Integrated Schools	645	766	775
Totals	14,701	17,223	18,861

Remarking of GCSEs and GCE AS Levels

Mr D Bradley asked the Minister of Education, for each of the last three years, to detail (i) the number of applications received for remarking of (a) GCSEs; and (b) GCE AS Levels; (ii) the number which resulted in an upgrade; and (iii) the number which did not result in an upgrade, including the grade before and after the remark, broken down by subject.

(AQW 4471/11)

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.

Over-Subscribed Schools

Mr S Gardiner asked the Minister of Education to detail the (i) nursery schools; (ii) primary schools; and (iii) post-primary schools that were over-subscribed for the 2010/11 academic year in the Upper Bann constituency.

(AQW 4472/11)

Minister of Education: Mionsonraítear thíos na scoileanna a bhí ró-shuibscríofa i dtoghcheantar na Banna Uachtair sa bhliain acadúil 2010/11.

The schools that were oversubscribed in the Upper Bann constituency in the 2010/11 academic year are detailed below.

The information has been provided from approved enrolment number against actual enrolment at the school census date (8 October 2010) and excludes pupils in receipt of a statement of special educational needs.

Primary Schools

- Seagoe Primary School

Post Primary Schools

- Banbridge Academy
- Portadown College

There were no nursery schools or primary schools with nursery units over-subscribed.

Curriculum and Area Planning

Mr S Gardiner asked the Minister of Education to detail any communication she has had with the Southern Education and Library Board in relation to the curriculum and area planning in the Lurgan, Craigavon and Portadown areas.

(AQW 4473/11)

Minister of Education: Tá sé curtha in iúl ag an SELB do mo Roinn go raibh roinnt cruinnithe aige le páirtithe leasmhara agus é mar chuspóir acu plean straitéiseach a fhorbairt do na scoileanna i gCórás Dhá Shraith Craigavon.

The SELB has advised my Department that it has held a number of meetings with stakeholders with a view to developing a strategic plan for the schools in the Craigavon Two Tier System. The Board has noted that the two areas of Portadown/Tandragee and Lurgan will be progressed concurrently but with a different approach being adopted in the two locations.

In terms of plans for the Lurgan area, the SELB intends to publish a consultation document on the educational options for the two tier system. It is anticipated that the consultation will take place between 4 March and 27 May 2011. The responses to the consultation will then be considered and

any recommendation for the way forward, agreed by the Board, where a significant change is proposed will then be subject to the normal development proposal process.

The SELB also advises that proposals for any other changes in the provision of education for the controlled sector in the wider Craigavon area would also be published at the same time.

Proposed Changes to Educational Transfer

Mr S Gardiner asked the Minister of Education for her assessment of the potential impact of the proposed changes to educational transfer on each school in the Upper Bann constituency.

(AQW 4478/11)

Minister of Education: Is iad aidhmeanna agus cuspóirí na socruithe le daltaí a ligean isteach in iar-bhunscoileanna, mar atá leagtha amach i ndoiciméad polasaí na Roinne ar aistriú iar-bhunscoile ó Mheán Fómhair 2010, ná:

The aims and objectives of the arrangements for the admission of pupils to post-primary schools, as set out in the Department's policy document on post-primary transfer from September 2010, are:

- that admissions decisions are fair and give each child the opportunity to reach his/her full potential;
- that the overall arrangements for admissions, and within that the respective roles of the Department, the Education and Library Boards, and primary and post-primary schools' Boards of Governors are clear and understood; and
- that post-primary schools' Boards of Governors achieve robust and accurate admissions decisions.

Children are at the centre of my education reforms, not institutions. The most significant impact of my Department's transfer policy will be felt by children who, if all schools in the Upper Bann and elsewhere follow my policy, will no longer be subjected to unnecessary, stressful testing in order to access an education to which they are entitled.

Teachers in primary schools also benefit from this policy through being able to focus on delivery of the revised curriculum. Instead of teaching to a test, primary school teachers are now able to ensure that all children in their school have a rich and rewarding primary education that will better equip them for the post-primary phase of their education.

Policy and practice on post-primary transfer for Transfer 2011 is now established. The only change that is under consideration at present is a proposal to discontinue support for funded transfer interviews to take effect from Transfer 2012. This proposal is currently the subject of an equality impact assessment consultation.

School Budgetary Surpluses

Mr S Gardiner asked the Minister of Education to detail (i) the impact school budgetary surpluses have on the unit of resource available to existing pupils, in the years the savings are made; and (ii) what steps are taken to ensure that existing pupils are not educationally disadvantaged as a result of budgetary surpluses over a number of years.

(AQW 4484/11)

Minister of Education: Faoin Scéim um Bainistíocht Áitiúil Scoileanna (LMS) tá scoileanna aonair freagrach as a gcuid tosaíochtaí agus caiteachais féin a shocrú.

Under the Local Management of Schools (LMS) Scheme individual schools are responsible for setting their own priorities and spend. Schools operate on an academic year, which crosses the financial year and in many instances curriculum delivery is also over a period of at least 2 years. The operation of LMS makes provision that schools may accumulate savings over a period of several years for specific purposes. Schools need the flexibility that this carry forward provides. Schools should not accumulate

excessive savings. The expectation is that any significant savings would be utilised within the timeframe of the 3- year School Development Plan. It is not possible therefore to detail the impact any surpluses may have on existing pupils in the year the savings are made, however no pupil should be educationally disadvantaged as a result of surpluses over a number of years as these surpluses should be used within the 3-year timeframe. It is my belief that money allocated to schools should be used as far as possible for the benefit of the pupils in the schools at that time.

Employment Support Allowance

Mr P Weir asked the Minister of Education, pursuant to AQW 3374/11, why the Employment Support Allowance is not included as part of the criteria in the pre-school application form, given that it is a criteria for free school meals; and (ii) when the review of the application form will be completed.
(AQW 4489/11)

Minister of Education: Mar atá léirithe i m'fhreagra ar do cheist níos luaithe ar an tsaincheist seo, nuair a bunaíodh na critéir don Chlár Leathnaithe Réamhscolaíochta Oideachais (PSEEP) ar dtús, bunaíodh ar na critéir incháilitheachta do Bhéilí Scoile Saor in Aisce (FSM) iad mar gur breithníodh gur modh oiriúnach a bheadh ann sin le díriú ar pháistí ó na cúlraí sóisialta is mó faoi mhíbhuntáiste.

As indicated in my response to your earlier question on this issue, when the criteria for the Pre-School Education Expansion Programme (PSEEP) was originally established it was based on the criteria for eligibility for Free School Meals (FSM) as that was adjudged to be an appropriate method of targeting children from the most socially disadvantaged backgrounds.

At that time there were funded pre-school places available for approximately 45% of children in their final pre-school. It was, therefore, necessary to target the available provision towards those children most in need and to afford them priority in the admissions process, as research shows that children from socially disadvantaged backgrounds benefit most from a quality pre-school experience.

The original targeting process ensured that, in areas of shortfall, children from disadvantaged backgrounds were able to avail of the limited number of funded pre-school places available.

In considering whether to include Employment Support Allowance (ESA) in the current list of benefits under which priority is afforded in the admissions process, it has to be borne in mind that there are now sufficient funded pre-school places available for over 90% of children in their final pre-school year. Any extension to the existing criteria may have the potential to impact unfairly on those children to whom no priority is afforded.

As indicated in my earlier response, as part of the on-going management of the PSEEP, officials intend to look at changes which have been made to the benefit system and consider whether they may be appropriate in relation to the admissions criteria for funded pre-school places. Any change to the criteria would require legislation. This work is scheduled to commence in the next 12 months.

Supervision of Pupils Who Need to Inject Insulin

Mr P Weir asked the Minister of Education what provision is in place, or is being considered, to ensure the supervision of primary school children who need to inject insulin.
(AQW 4491/11)

Minister of Education: Tá treoir na Roinne i leith diaibéitis le fáil sa cháipéis "Ag Tacú le Daltaí a bhfuil Riachtanais Chógais Acu".

The Department's guidance in relation to diabetes is contained within the document "Supporting Pupils with Medication Needs", which was produced in co-operation with the Department of Health, Social Services and Public Safety and in consultation with a range of education and health bodies and professionals and the teachers' unions. The guidance was distributed to all schools and associated training provided for all Principals in the nursery, primary, post-primary and special school sectors.

A pupil with medical needs will have an individual health care plan (IHP), which reflects the level of medical support needed for the pupil in school. The IHP is drawn up in consultation with the parent, medical professionals and the school to ensure the child's safety while at school. Such a plan will include a picture of the child, his or her medical condition, contact details of parents and the consultant/GP. It also considers care requirements, including medication to be administered and safe storage, and possible side effects, of drugs.

The school must have written permission from parents to administer drugs as part of the intimate care policy, which sets out the conditions within which medication can be administered. Appropriate training for administering drugs is normally provided by the child's diabetic specialist nurse who will visit the school.

The guidance "Supporting Pupils with Medication Needs" states that it is good practice to allow pupils who are competent to do so to manage their own medication from a relatively early age, noting that the age at which children are ready to take care of, and be responsible for, their own medicines varies. The Boards have advised that there are a very small number of young children who are not competent to administer their own insulin and so have the support of a general assistant. However, the vast majority of children are able to self-administer and do so in accordance with the above mentioned guidance.

Teaching of Irish in Post-Primary Schools

Mr D Bradley asked the Minister of Education to detail what additional support she has provided for the teaching of Irish in English-medium post-primary schools since May 2007.

(AQW 4523/11)

Minister of Education: Tacaíonn mo Roinn le agus spreagann sí seachadadh gach teanga i scoileanna agus, tá tacaíocht á tabhairt aici d'acmhainní Gaelscolaíochta lena chinntiú go bhfuil scoileanna ábalta ábhar na Gaeilge a sheachadadh.

My Department supports and encourages the delivery of all languages in schools and, has been providing support for Irish Medium resources to ensure schools are able to deliver the subject of Irish language.

On behalf of my Department the Council for the Curriculum, Examinations and Assessment (CCEA) has produced a number of generic resources to support languages at KS3 in the form of guidance, case studies and thematic units. CCEA also offers a range of qualifications for Modern Languages, including GCSE and GCE and since May 2007 has produced a range of support material for Irish which include on-line, printed, recording and audio resource materials. In addition it has also organised a range of events, training, and school visits, to support teachers of the Irish Language in relation to its revised GCE and GCSE Irish specifications.

CCEA has also been taking the lead to increase the range of available Irish Medium curricular resources and in this context has been provided with significant additional resources in the past two financial years to enhance its ongoing Irish Medium Programme and a number of resources already developed or in development from this programme can equally be used to support the teaching of Irish in English Medium schools.

Pupils Who Study Irish

Mr D Bradley asked the Minister of Education, for each of the last five years, to detail the number of pupils who studied Irish at Key Stage 3 in (i) Year 8; (ii) Year 9; and (iii) Year 10, broken down by school.

(AQW 4525/11)

Minister of Education: Tá an Ghaeilge tairgthe mar rogha ábhair ag Eochairchéim 3 i gcuid mhór scoileanna Béarla faoi réimse foghlama na Nua-Theangacha sa churaclam athbhreithnithe.

Irish is offered as a subject choice at Key Stage 3 in many English medium schools under the Modern Languages area of learning in the revised curriculum.

The Department does not collect information on the range of modern languages studied at Key Stage 3 at pupil or individual school level and therefore the information requested is not available.

Irish is, of course, studied by all pupils in Key Stage 3 under the Language and Literacy area of learning in Irish medium schools and units.

Free School Meal Entitlement

Mr P Butler asked the Minister of Education, for each of the last five academic years, to detail for each primary school in the (i) Belfast Education and Library Board area; and (ii) Western Education and Library Board area, with a free school meal entitlement of more than 40%, (a) the total number of Year 7 pupils receiving this entitlement; and (b) the number of Year 7 pupils who achieved A and B grades in the transfer procedure, as a percentage of the overall number of Year 7 pupils.

(AQW 4542/11)

Minister of Education: Tá sé socraithe agam go gcuirfean an t-eolas a iarradh i Leabharlann an Tionóil.

I have arranged for the information requested to be placed in the Assembly Library.

School Leavers

Mr P Butler asked the Minister of Education, for each of the last five years, to detail the number and percentage of school leavers from the (i) Crumlin/Ardoyne; (ii) Inner North Belfast; (iii) Ligoniel; and (iv) Upper Ardoyne/Ballysillan Neighbourhood Renewal Areas who achieved three or more A Levels at grades A to C.

(AQW 4544/11)

Minister of Education: Níl an Roinn ábalta idirdhealú a dhéanamh i sonraí lucht fágála scoile idir ghráid faoi leith i gcatagóir an ardleibhéil.

The Department is unable to distinguish in the school leavers data between specific grades in the A Level category. The answer includes those with A Levels (or equivalent) at grades A to E.

The answer is contained in the table below.

NUMBER AND PERCENTAGE OF SCHOOL LEAVERS RESIDENT IN THE SPECIFIED NEIGHBOURHOOD RENEWAL AREAS WHO ACHIEVED THREE OR MORE A LEVELS A-E (INC EQUIVALENTS) 2004/05 TO 2008/09

	2004/05		2005/06		2006/07		2007/08		2008/09	
	No.	%	No.	%	No.	%	No.	%	No.	%
Crumlin/ Ardoyne	46	19.7	50	22.4	46	19.3	58	30.2	56	30.6
Inner North Belfast	41	23.7	21	13.5	19	14.3	35	23.6	29	24.8
Ligoniel	5	22.7	6	17.1	*	*	7	24.1	7	36.8
Upper Ardoyne/ Ballysillan	11	27.5	*	*	8	22.2	10	40.0	7	21.9

* denotes fewer than five pupils

Source: School Leavers Survey

Departmental Expenditure Limit Budget

Ms D Purvis asked the Minister of Education to detail the total annual cost, to the Departmental Expenditure Limit budget, of a pupil in (i) primary school; and (ii) secondary school, in each of the last five years.

(AQW 4560/11)

Minister of Education: Cé nach féidir buiséad iomlán Teorainn Caiteachais na Roinne (DEL) a dhí-chomhbhailiú go dtí an leibhéal seo, soláthraíonn an tábla thíos sonraí maidir leis an chaiteachas tarmligthe agus neamh-tarmligthe athfhillteach in aghaidh an dalta bunscoile agus meánscoile i ngach ceann de na cúig bliana airgeadais ó 2005/06 go dtí 2009/10 (an bhliain airgeadais iomlán is déanaí dá bhfuil sonraí ar fáil).

While it is not possible to disaggregate the entire Departmental Expenditure Limit (DEL) budget to this level, the table below provides data on the delegated and non-delegated recurrent expenditure per primary and secondary school pupil in each of the five financial years from 2005/06 to 2009/10 (the latest full financial year for which data is available).

In addition, I have also included data on per pupil expenditure in respect of nursery schools in order to provide as complete a response as possible.

Average Expenditure per pupil in:	Financial Year				
	2005/06 £	2006/07 £	2007/08 £	2008/09 £	2009/10(v) £
Nursery School (vi)	3,604	3,772	4,100	4,491	4,605
Primary School (i); (ii) & (vi)	3,072	3,060	3,309	3,564	3,696
Secondary School (iii); (iv) & (vi)	4,199	4,406	4,644	4,881	5,287

Notes

- (i) Data for Primary Schools includes Nursery Classes within Primary Schools;
- (ii) Primary School data incorporates expenditure for Controlled; Maintained; Controlled Integrated; Grant-Maintained Integrated & Irish Medium Primary Schools;
- (iii) Data for Secondary schools includes Preparatory Departments attached to Controlled Grammar and Voluntary Grammar Schools;
- (iv) Secondary School data incorporates expenditure for Controlled; Maintained; Controlled Integrated; Grant-Maintained Integrated; Controlled Grammar; Voluntary Grammar & Irish Medium Post Primary Schools;
- (v) Data included for 2009/10 in respect of Voluntary Grammar and Grant-Maintained Integrated Schools is provisional pending validation by the Department;
- (vi) Data excludes capital expenditure which is not available in the format requested;

Teacher's Salary Financial Year

Mr A McQuillan asked the Minister of Education whether a school budget financial year is different to a teacher's salary financial year, and if so, to detail the reasons for this.

(AQW 4569/11)

Minister of Education: Maireann bliain bhuiséid airgeadais scoile ón chéad lá de mhí Aibreán sa chéad bhliain go dtí an 31 Márta sa bhliain dár gcionn.

A school budget financial year runs from 1 April in the first year to 31 March in the following year. A teachers' salary financial year also runs from 1 April in the first year to 31 March in the following year. There is, therefore, no difference between a school budget year and teacher salary financial year.

Free School Meal Entitlement

Mr P Butler asked the Minister of Education to list each (i) boys' primary school; and (ii) girls' primary school which currently has a free school meal entitlement of over 50%.

(AQW 4589/11)

Minister of Education: Tá an t-eolas a iarradh sonraithe sa tábla thíos.

The information requested is detailed in the table below.

Single sex primary schools with over 50% pupils entitled to free school meals, 2010/11

School name	School Gender	% pupils entitled to free school meals
Edmund Rice (CB) Primary School, Belfast	boys	66.4
Holy Cross Boys' Primary School, Belfast	boys	60.5
Holy Cross Girls' Primary School, Belfast	girls	72.6
Mercy Primary School, Belfast	girls	50.2
Our Lady's Girls' Primary School, Belfast	girls	52.7
Sacred Heart Primary School, Belfast	boys	57.6
St Aidan's Christian Brothers Primary School, Belfast	boys	73.7
St Bernadette's Primary School, Belfast	girls	82.1
Star of the Sea Girls' Primary School, Belfast	girls	60.7

Source: School census.

Note:

1. Figures include nursery, reception and year 1 – 7 classes.

Free School Meals

Mr P Butler asked the Minister of Education to detail, for each of the last three years, the number and percentage of Year 8 pupils entitled to free school meals in each grammar school, in the Greater Belfast area.

(AQW 4590/11)

Minister of Education: Tá an t-eolas a iarradh ar fáil sna táblaí thíos.

The information requested is contained in the tables below.

POST PRIMARY GRAMMAR SCHOOLS LOCATED IN THE BELFAST DISTRICT COUNCIL AREA - YEAR 8 PUPILS ENTITLED TO FREE SCHOOL MEALS (FSME) – 2008/09

School name	Year 8 FSME pupils	FSME pupils as % Year 8 pupils
Aquinas Diocesan Gs	5	4.5
Belfast Royal Academy	17	8.3
Bloomfield Collegiate	*	*
Campbell College	*	*
Dominican College	11	7.3
Grosvenor Gs	6	3.9
Hunterhouse College	6	5.9
Methodist College	*	*

School name	Year 8 FSME pupils	FSME pupils as % Year 8 pupils
Rathmore Gs	5	2.8
St Dominic's High School	16	11.0
St Malachy's College	17	11.1
St Mary's Christian Brothers' Gs	34	19.2
Strathearn School	*	*
The Royal Belfast Academical Inst.	*	*
Victoria College	5	3.8
Wellington College	10	9.2

POST PRIMARY GRAMMAR SCHOOLS LOCATED IN THE BELFAST DISTRICT COUNCIL AREA - YEAR 8 PUPILS ENTITLED TO FREE SCHOOL MEALS (FSM) – 2009/10

School name	Year 8 FSME pupils	FSME pupils as % Year 8 pupils
Aquinas Diocesan Grammar School	8	6.8
Belfast Royal Academy	18	8.8
Bloomfield Collegiate	9	8.9
Campbell College	0	0.0
Dominican College	20	13.1
Grosvenor Grammar School	8	5.1
Hunterhouse College	8	7.9
Methodist College	7	2.9
Rathmore Grammar School	5	2.7
St Dominic's High School	31	20.8
St Malachy's College	10	6.4
St Mary's Christian Brothers' Grammar School	42	23.3
Strathearn School	*	*
The Royal Belfast Academical Institution	8	5.2
Victoria College	6	4.6
Wellington College	10	8.9

POST PRIMARY GRAMMAR SCHOOLS LOCATED IN THE BELFAST DISTRICT COUNCIL AREA - YEAR 8 PUPILS ENTITLED TO FREE SCHOOL MEALS (FSM) – 2010/11

School name	Year 8 FSME pupils	FSME pupils as % Year 8 pupils
Aquinas Diocesan Grammar School	5	4.3
Belfast Royal Academy	13	6.4
Bloomfield Collegiate	8	7.9
Campbell College	*	*
Dominican College	18	12.0
Grosvenor Grammar School	12	7.6
Hunterhouse College	9	8.9
Methodist College	9	3.7
Rathmore Grammar School	10	5.5
St Dominic's High School	19	12.7
St Malachy's College	21	13.6
St Mary's Christian Brothers' Grammar School	45	25.1
Strathearn School	6	5.5
The Royal Belfast Academical Institution	*	*
Victoria College	7	5.3
Wellington College	13	11.7

Source: School census

Note:

'*' denotes fewer than 5 pupils.

Greater Belfast area taken to mean Belfast District Council area.

School Leavers in Neighbourhood Renewal Areas

Mr P Butler asked the Minister of Education, for each of the last three years, to give the number and percentage of school leavers in each Neighbourhood Renewal Area who achieved three or more A Levels at grades A to C.

(AQW 4591/11)

Minister of Education: Níl an Roinn ábalta idirdhealú a dhéanamh i sonraí lucht fágála scoile idir ghráid ar leith i gcatagóir an ardleibhéil.

The Department is unable to distinguish in the school leavers data between specific grades in the A Level category. The answer includes those with A Levels (or equivalent) at grades A to E.

The information is contained in the table below.

Number and Percentage of school leavers resident in Neighbourhood Renewal Areas (NRAs) who achieved three or more A Levels A-E (inc. equivalents) 2006/07 to 2008/09

NRAs	2006/07		2007/08		2008/09	
	Number	%	Number	%	Number	%
Andersonstown	51	32.3	64	41.3	67	46.5
Armagh	17	25.4	17	24.6	31	48.4
Ballyclare	*	*	*	*	*	*
Ballymena	13	18.3	11	16.9	19	28.8
Bangor	*	*	7	18.4	7	20.0
Brownlow	20	19.8	33	26.2	26	21.1
Coalisland	8	26.7	9	28.1	16	44.4
Coleraine Churchlands	8	25.8	6	18.8	*	*
Coleraine East	*	*	*	*	5	13.2
Colin	63	21.7	78	25.3	86	30.7
Crumlin / Ardoyne	46	19.3	58	30.2	56	30.6
Downpatrick	9	11.7	9	15.3	20	32.8
Dungannon	5	27.8	*	*	*	*
Enniskillen	14	34.1	9	37.5	16	59.3
Falls / Clonard	48	18.9	49	20.0	64	28.6
Greater Shankill	26	11.9	39	17.6	41	18.1
Inner East Belfast	35	15.0	33	14.8	33	16.6
Inner North Belfast	19	14.3	35	23.6	29	24.8
Inner South Belfast	9	11.8	10	15.2	7	14.3
Ligoniel	*	*	7	24.1	7	36.8
Limavady	*	*	*	*	5	21.7
Lurgan	42	29.4	31	24.0	38	30.6
Newry	26	21.8	38	27.0	42	31.6
Omagh	*	*	10	33.3	9	30.0
Outer North Derry	74	26.2	121	41.6	119	43.0
Outer West Belfast	33	23.9	36	28.6	60	43.8
Outer West Derry	66	37.5	63	38.9	69	53.1
Portadown North West	8	17.4	5	11.9	*	*
Rathcoole	8	10.0	18	17.3	15	18.3
South West Belfast	6	9.8	13	28.9	*	*
Strabane	26	33.8	30	40.5	32	34.4
Triax - Cityside	101	32.3	117	42.1	124	41.3
Tullycarnet	*	*	*	*	*	*

NRAs	2006/07		2007/08		2008/09	
	Number	%	Number	%	Number	%
Upper Ardoyne / Ballysillan	8	22.2	10	40.0	7	21.9
Upper Springfield / Whiterock	27	12.7	34	18.4	46	26.7
Waterside	37	25.9	28	24.1	23	20.7

* denotes fewer than five pupils

Source: School Leavers Survey

School Leavers in Neighbourhood Renewal Areas

Mr P Butler asked the Minister of Education, for each of the last three years, to give the number and percentage of school leavers in each Neighbourhood Renewal Area who achieved five or more GCSE at grades A* to C.

(AQW 4592/11)

Minister of Education: Tá an t-eolas a iarradh le fáil sa tábla thíos.

The information is contained in the table below.

NUMBER AND PERCENTAGE OF SCHOOL LEAVERS RESIDENT IN NEIGHBOURHOOD RENEWAL AREAS (NRAS) WHO ACHIEVED AT LEAST FIVE GCSES A*-C (INC. EQUIVALENTS) 2006/07 TO 2008/09

NRA	2006/07		2007/08		2008/09	
	Number	%	Number	%	Number	%
Andersonstown	100	63.3	108	69.7	110	76.4
Armagh	43	64.2	40	58.0	43	67.2
Ballyclare	5	31.3	*	*	*	*
Ballymena	23	32.4	20	30.8	28	42.4
Bangor	10	38.5	14	36.8	13	37.1
Brownlow	48	47.5	72	57.1	50	40.7
Coalisland	14	46.7	19	59.4	22	61.1
Coleraine Churchlands	14	45.2	9	28.1	12	44.4
Coleraine East	23	40.4	13	36.1	21	55.3
Colin	162	55.9	164	53.2	164	58.6
Crumlin / Ardoyne	105	44.1	97	50.5	96	52.5
Downpatrick	36	46.8	24	40.7	32	52.5
Dungannon	6	33.3	*	*	*	*
Enniskillen	21	51.2	12	50.0	19	70.4
Falls / Clonard	110	43.3	101	41.2	115	51.3
Greater Shankill	86	39.3	73	32.9	92	40.5

NRA	2006/07		2007/08		2008/09	
	Number	%	Number	%	Number	%
Inner East Belfast	77	32.9	71	31.8	59	29.6
Inner North Belfast	49	36.8	68	45.9	54	46.2
Inner South Belfast	19	25.0	23	34.8	14	28.6
Ligoniel	9	42.9	10	34.5	11	57.9
Limavady	8	22.2	*	*	7	30.4
Lurgan	76	53.1	67	51.9	60	48.4
Newry	56	47.1	67	47.5	74	55.6
Omagh	6	23.1	18	60.0	16	53.3
Outer North Derry	147	52.1	176	60.5	166	59.9
Outer West Belfast	73	52.9	75	59.5	95	69.3
Outer West Derry	106	60.2	97	59.9	86	66.2
Portadown North West	20	43.5	15	35.7	7	25.9
Rathcoole	32	40.0	44	42.3	35	42.7
South West Belfast	10	16.4	24	53.3	14	31.1
Strabane	36	46.8	37	50.0	48	51.6
Triax - Cityside	169	54.0	171	61.5	182	60.7
Tullycarnet	8	26.7	7	18.9	*	*
Upper Ardoyne / Ballysillan	19	52.8	16	64.0	13	40.6
Upper Springfield / Whiterock	75	35.2	77	41.6	90	52.3
Waterside	65	45.5	43	37.1	49	44.1

* denotes fewer than five pupils

Source: School Leavers Survey

Belfast and Derry Neighbourhood Renewal Areas

Mr P Butler asked the Minister of Education to detail the number and percentage of Year 8 pupils enrolled in grammar schools in the (i) Belfast; and (ii) Derry Neighbourhood Renewal Area in (a) 2007/08; (b) 2008/09; and (c) 2009/10.

(AQW 4593/11)

Minister of Education: Léadh ar an cheist seo go mbaineann sé le líon agus céatadán páistí Bhliain 8 atá ina gcónaí i Limistéar Athnuachana Comharsanachta, agus atá ag freastal ar scoil ghramadaí. Tá an t-eolas ar fáil sa tábla thíos.

This question has been interpreted to relate to the number and percentage of Year 8 children resident in a Neighbourhood Renewal Area, attending a grammar school. The information is contained in the table.

YEAR 8 PUPILS WHO ARE RESIDENT IN NRA AREAS ATTENDING GRAMMAR SCHOOLS, 2007/08 – 2009/10

NRA Area	2007/08		2008/09		2009/10	
	No of grammar pupils	% of total year 8s	No of grammar pupils	% of total year 8s	No of grammar pupils	% of total year 8s
Not in an NRA	8,140	41.71	8,201	40.24	8,113	40.90
Belfast 1	355	17.46	328	15.44	366	18.08
Derry2	211	27.26	194	24.84	231	29.24
Regional (including Limavady and Strabane) Development Office3	140	16.09	157	15.91	153	17.29
Total	8,846	38.14	8,880	36.58	8,863	37.66

Source: School census

Note:

1. The Belfast neighbourhood renewal area (NRA) is taken as those NRAs that fall within the Belfast Regeneration Office area. This includes the NRAs of Andersonstown, Colin, Crumlin/ Ardoyne, Falls/ Clonard, Greater Shankill, Inner East Belfast, Inner North Belfast, Inner South Belfast, Ligoniel, Outer West Belfast, Rathcoole, South West Belfast, Tullycarnet, Upper Ardoyne/ Ballysillan and Upper Springfield/ Whiterock.
2. The Derry Neighbourhood Renewal Area (NRA) is taken as those NRAs that fall within the Derry area of the North West Development Office. This includes the NRAs Outer North Derry, Outer West Derry, Triax – Cityside and Waterside. Limavady and Strabane NRAs have not been included in this category.
3. The Regional Development Office includes the NRAs Armagh, Ballyclare, Ballymena, Bangor, Brownlow, Coalisland, Coleraine Churchlands, Coleraine East, Downpatrick, Dungannon, Enniskillen, Lurgan, Newry, Omagh and Portadown North West. For the purpose of this exercise Limavady and Strabane NRAs have been included in this category; they usually come under the North West Development Office.

Appointments of Head Teachers

Mr P Weir asked the Minister of Education to detail the number of appointments of head teachers made by the South Eastern Education and Library Board, where the appointment was not made by Board members, in each of the last five years.

(AQW 4598/11)

Minister of Education: Ceapadh 38 prómhoide trí Choiste Cheapacháin Mhúinteoirí (TAC) Bhord Oideachais agus Leabharlann an Oirdheiscirt (SEELB) idir 1 Eanáir 2006 agus 31 Nollaig 2009 agus bhí roinnt baill an Bhoird ina mbail den Choiste seo.

Between 1 January 2006 and 31 December 2009 there were 38 head teacher appointments made by the South Eastern Education and Library Board's (SEELB) Teaching Appointments Committee (TAC), the membership of which included Board members. Following dissolution of the Board's TAC on 31 December 2009, 8 head teacher appointments were made by the Principal Interview Panel in 2010, in line with the Board's revised Teaching Appointments Scheme. There are no Board members on the Principal Interview Panel.

Appointments of Head Teachers

Mr P Weir asked the Minister of Education how many appointments of head teachers have been made by the South Eastern Education and Library Board's Teaching Appointments Committee in each of the last five years.

(AQW 4599/11)

Minister of Education: Tá sonraíthe sa tábla thíos líon na bpríomhoidí a ceapadh trí Choiste Cheapacháin Mhúinteoirí Bhord Oideachais agus Leabharlann an Oirdheiscirt i ngach bliain le 5 bliana (féilire) anuas.

The following table details the number of head teacher appointments made by the South Eastern Education and Library Board's Teaching Appointments Committee in each of the last five (calendar) years:

Year	2006	2007	2008	2009	2010*
Number of appointments	11	6	7	14	8

*Following dissolution of the SEELB's Teaching Appointments Committee on 31 December 2009, 8 head teacher appointments were made by the Principal Interview Panel in 2010, in line with the Board's revised Teaching Appointments Scheme.

Appointments of Head Teachers

Mr P Weir asked the Minister of Education who holds the legal authority on appointment of head teachers by the South Eastern Education and Library Board other than the Teaching Appointments Committee.

(AQW 4602/11)

Minister of Education: Caithfidh gach Bord Oideachais agus Leabharlann (de bhun Airteagal 153 den Education Reform (NI Order) 1989, arna leasú) Scéim a bheith aige a leagann amach na modhanna oibre ar chóir a leanúint i dtaca le ceapacháin a dhéanann an Bord agus poist á dtabhairt chuig múinteoirí i scoileanna rialaithe.

Each Education and Library Board is required (pursuant to Article 153 of the Education Reform (NI Order) 1989, as amended) to have in place a Scheme for the procedures to be followed in relation to the appointment, by the Board, of teachers to posts in controlled schools.

The South Eastern Education and Library Board is legally responsible for the appointment of Head Teachers in the Board's area.

Education Provisions on the Statue Book

Mr M Storey asked the Minister of Education to detail any education provisions on the statue book which have not yet commenced.

(AQW 4612/11)

Minister of Education:

Education (NI) Order 1998:

Airteagail 61-64 agus 69 de Chuid VII:

Articles 61-64 and 69 of Part VII. These allow for the transfer of responsibility – as the funding authority for Voluntary Grammar and Grant Maintained Integrated Schools – from the Department of Education to the Education and Library Boards.

Part II of Schedule 6 as it relates to Article 70 (4) (a) and (c) of the Education and Libraries (NI) Order 1986. This will end the Department's role in granting eligibility to teach for teachers in grant-aided schools and peripatetic teachers.

Education (NI) Order 2006:

Articles 18, 19, 20 and 22. These relate to the provision of education at Key Stage 4 and sixth form and will give statutory effect to the Entitlement Framework policy.

Article 28 (2). This provides that the admissions criteria oversubscribed schools can use "shall not include the academic ability or aptitude of the child".

Articles 31-34. This relates to the arrangements for the suspension and expulsion of pupils; however Articles 32 and 34 simply restate/clarify previous legislation that remains current.

Article 37. This relates to the terms and conditions of service of the registrar of the General Teaching Council.

Age Weighted Pupil Unit

Mr M Storey asked the Minister of Education to detail (i) the reasons for the reduction in the cash value of the Age Weighted Pupil Unit, as a result of the proposals to extend free school meal entitlement, set out in the draft Budget 2011/15; and (ii) what this reduction will mean in monetary terms for schools.

(AQW 4618/11)

Minister of Education: Níor tugadh na buiséid dheireanacha ná buiséid na Roinne aonair chun críche go fóill ach beidh sé mar thosaíocht agam fáil réidh lena bhfuil neamhéifeachtach, maorlathas a ghearradh siar agus cosaint a thabhairt do na seirbhísí tús líne an méid agus is féidir liom.

Final budgets and individual Departmental budgets are not yet finalised, but as a priority I will continue to drive out inefficiencies, cut bureaucracy and protect front-line services as much as possible.

As you are aware, I have ring-fenced specific funding for the most vulnerable children and those in greatest need, including funding for the extension of free school meal entitlements for early years. This does not directly result in a reduction in the cash value of the Age Weighted Pupil Unit, but alongside other pressures means that if I am unable to increase the overall level of delegated funding for schools, within the level of resources made available to education, the AWPU cash value may be lower than the current value.

I have lobbied hard around the Executive table on the case for the education budget to be improved and have lodged bids for the Executive to consider.

The levels of funding for education services and therefore the funding available for distribution to schools has not yet been determined. It is therefore not possible to provide an indicator of the monetary impact for schools' budgets. I have, however, made a difficult decision to propose switching £41 million from the capital budget, specifically to mitigate the pressures on resource and schools budgets in particular. Budgets for schools will be considered further in light of the responses to the consultation on the savings proposals and the decisions of the Executive on the Budget allocations.

Proposed Capital School Projects

Mr M Storey asked the Minister of Education how much her Department has spent on proposed capital school projects which have not proceeded, including consultant design fees, in each Education and Library Board area, in each of the last three years.

(AQW 4619/11)

Minister of Education: Tá 54 tionscadal caipitil a bhaineann le Plean Sheachadadh Infheistíochta (IDP) na Roinne faoi láthair.

There are currently 54 major capital projects remaining on my Department's Investment Delivery Plan (IDP).

The table below summarises the capital spend to date on these projects in each of the last three financial years broken down by Education and Library Board area as requested. These figures include for professional services, site acquisitions and other costs such as surveys.

	2007/08 £	2008/09 £	2009/10 £	Total £
BELB	104,002	913,241	522,243	1,539,486
WELB	753,102	434,067	15,031,585 *	16,218,754
NEELB	174,762	585,116	86,001	845,879
SEELB	39,921	1,231,889	2,077,534	3,349,344
SELB	542,576	972,608	590,262	2,105,446

* This figure includes the sum of £14,500,000 for the acquisition of the former Clooney army base for the relocation of Foyle and Londonderry College and Ebrington Primary School.

Performance and Efficiency Delivery Unit

Mr M Storey asked the Minister of Education for an update on the work and findings of the Performance and Efficiency Delivery Unit in relation to her Department.

(AQW 4620/11)

Minister of Education: Tá athbhreithniú á dhéanamh faoi láthair ag an Aonad um Sheachadadh Fheidhmithe agus Éifeachtachta ar éifeachtacht na seirbhísí oideachais ó thaobh riaracháin agus tacaíochta de. Cloíonn seo leis na téarmaí tagartha a aontaíodh idir mé féin agus an tAire Airgeadais. Is comhiarracht idir an Roinn agus PEDU é an t-athbhreithniú agus tá ag éirí leis.

The Performance and Efficiency Delivery Unit is undertaking a review of the efficiency of education administration and support services in line with the terms of reference agreed by myself and the Finance Minister. The review is a collaborative effort between the Department and PEDU. It is progressing well.

PEDU have completed the first stage of the exercise with an initial assessment of a number of areas to identify scope for potential efficiencies. The second stage of the review will examine in greater detail a couple of these areas and produce recommendations on actions to deliver efficiencies. It is too early at this stage to provide conclusions on the work.

Education and Skills Authority

Mr M Storey asked the Minister of Education, given that the Education and Skills Authority has not been established, what are the implications of the 11 subordinate pieces of legislation linked to the proposed Education and Skills Authority Bill in any future policy direction from her Department.

(AQW 4625/11)

Minister of Education: Áirítear leis an Athbhreithniú ar an Bhille Oideachais um Riarachán Poiblí 12 chlásal ina bhfuil cumhachtaí le fo-reachtaíocht a dhéanamh.

The Review of Public Administration Education Bill includes 12 clauses containing powers to make subordinate legislation. None of those powers may be exercised until the Bill is passed by the Assembly. Three of the clauses (numbers, 12 15 and 43) would replace similar powers in existing primary legislation, and those powers may continue to be used until the Bill is passed.

Development Proposals for Schools

Mr D O'Loan asked the Minister of Education for a list of (i) the development proposals for schools that are currently awaiting Ministerial approval; and (ii) those agreed or rejected in the current year and the previous year.

(AQW 4627/11)

Minister of Education: In 2010, rinne mé cinntí ar 35 Togra Forbartha - Ceadaíodh 29 cinn acu agus diúltaíodh 6 cinn.

In 2010 I made decisions on 35 Development Proposals – 29 were approved and 6 were turned down. There are currently decisions pending on 10 Development Proposals

There have been 2 development proposals published in this current year for which the 2-month statutory objection period is current and clearly decisions are not yet possible on either of these proposals. The tables below provide the detail of each proposal.

School	Proposal	Decision
January - December 2009 publications - decision in 2010		
Dromore High School	Post-16 provision should be established at Dromore High School with effect from 1 September 2010 or as soon as possible thereafter	Approved
St John's Primary School, Glenn, Newry	Proposed closure of St John's Primary School, Glenn, Newry with effect from 31 August 2010, or as soon as possible thereafter.	Approved
All Childrens Integrated Primary School, Newcastle	The South Eastern Education and Library Board propose that a single nursery unit should be provided at All Childrens Integrated Primary School to replace the existing reception class. The nursery unit will accommodate 26 full time places. It is proposed that the nursery unit is established at the school with effect from 31 August 2010 or as soon as possible thereafter	Not Approved
Bunscoil an tSleibhe Dhuibh, Belfast	Establishment of an Irish-medium Nursery Unit with effect from 1 September 2010 or as soon as possible thereafter.	Approved
Ballee Primary School Ballymena	To close with effect from 31 August 2010	Approved
St Anne's Primary School, Belfast	Establishment of an additional Nursery Unit with effect from 1 September 2010 or as soon as possible thereafter.	Not Approved

School	Proposal	Decision
Gaelscoil an tSeancha Magherafelt	A new grant-aided, Irish Medium primary school be established in Magherafelt from 1 September 2010 or as soon as possible thereafter.	Approved
Gaelscoil Choin Ri Uladh Ballymena	A new grant-aided, Irish Medium primary school be established in Ballymena from 1 September 2010 or as soon as possible thereafter.	Approved
Gibson Primary School, Omagh)	Establishment of a WELCOME Centre for Foundation Stage, Gibson PS, OMAGH, with effect from 1 September 2010 or as soon as possible thereafter.	Approved
St Joseph's Grammar School, Donaghmore	Proposal to establish an Irish Medium Unit with effect, from 1 September 2010 or as soon as possible thereafter.	Approved
Tandragee Nursery School	The number of places be reduced from 78 (26 full time and 52 part-time) to 52 full time places with effect from 1 September 2010 or as soon as possible thereafter.	Not approved
St Patrick's PS, Dungannon	An additional nursery unit to be established increasing the enrolment to 78 full time places, from 1 September 2010 or as soon as possible thereafter.	Approved
Millington Nursery School, Portadown	A third full time unit to be established with effect from 1 September 2010 or as soon as possible thereafter.	Approved
Gaelscoil Ui Neill - New Irish Medium Nursery Unit Coalisland	Proposal to establish a new Irish Medium Nursery Unit, from 1 September 2010 or as soon as possible thereafter.	Approved
Gaelscoil na mBeann Kilkeel	Proposal to establish a new grant-aided, Irish Medium PS in Kilkeel, from 1 September 2010 or as soon as possible thereafter.	Approved

School	Proposal	Decision
St Colman's Primary School, Annaclone, Banbridge	Proposal to establish a Nursery Unit providing 26 full-time places, from 1 September 2010 or as soon as possible thereafter.	Approved
Drumnamoe Nursery School, Lurgan	Proposal to establish an additional nursery unit providing 52 full-time places, from 1 September 2010 or as soon as possible thereafter. Date modified to 1 September 2011.	Approved
St Francis' Primary School, Lurgan	Proposal to establish an additional nursery unit to increase enrolment to 78 full-time places, from 1 September 2010 or as soon as possible thereafter.	Approved
St Joseph's Boys' High School, Newry	Proposal to establish 2 Key Stage 3 and 4 Learning Support Centres, from 1 September 2010 or as soon as possible thereafter.	Approved
St Mary's Primary School, Pomeroy (Irish-Medium Unit)	Proposal to close Irish Medium Unit (Gaelscoil Mhuire), from 1 September 2010 or as soon as possible thereafter.	Pending
Gaelscoil Leim an Mhadaidh, Limavady	Establishment of an Irish-medium Primary School, with effect from 1 September 2010 or as soon as possible thereafter.	Approved
St Patrick's PS, Creggan	Proposal for the closure of St Patrick's PS, Creggan, with effect from 31 August 2010, or as soon as possible thereafter.	Approved
January 2010 - December 2010		
St Colmans Primary School, Lambeg	A single unit Nursery providing 26 full-time places be established at St Colman's Primary School Lambeg with effect from September 2011 or as soon as possible thereafter	Not approved
Braniel Primary School, Belfast	Braniel Primary School Nursery Unit should alter its attendance pattern from 78 places to 52 full time places with effect from 31 August 2011 or as soon as possible thereafter.	Not approved

School	Proposal	Decision
St John the Baptist Girls' Primary School & St John the Baptist Boys' Primary School Belfast	To amalgamate into a new co-educational Primary School on the site of the existing St John the Baptist Girls' Primary School with effect from 1 September 2010 or as soon as possible thereafter.	Approved
Gaelcholaiste Ard Macha, Establishment of an Irish Medium Post-Primary School, Armagh	Establishment of a new grant-aided, Irish-medium post primary school in Arnagh City, from 1st September 2010 or as soon as possible thereafter. The school will initially cater for pupils in the 11-16 range	Pending
St Patrick's Boys' Primary School, Downpatrick & Convent of Mercy Primary School, Downpatrick	St Patrick's Boys' Primary School and Convent of Mercy Primary School be amalgamated to form a co-educational Primary School with effect from 1 September 2011 or as soon as possible thereafter.	Approved
Ballycloughan Primary School, Saintfield	The Board proposes that Ballycloughan Primary School should close with effect from 31 December 2010 or as soon as possible thereafter	Approved
Gaelscoil Ui Dhocartaigh, Strabane	Establish of a Statutory Nursery Unit at Gaelscoil Ui Dhocartaigh, Strabane, with effect from September 2010, or as soon as possible thereafter	Approved
Woodburn Primary School Carrickfergus	Establish a new Nursery Unit with 52 part-time places at Woodburn Primary School with effect from 1 September 2011, or as soon as possible thereafter	Not Approved
Gaelscoil na gCrann, Omagh	Establish new Irish medium Nursery Unit at Gaelscoil na gCrann, Omagh, with effect from September 2010, or as soon as possible thereafter	Approved
Beechfield Primary School, Belfast	The Board proposes to cease education provision in Beechfield Primary School from September 2010 or as soon as possible thereafter	Approved

School	Proposal	Decision
Grove Primary School, Belfast	The Board proposes from September 2010 or as soon as possible thereafter that primary provision will cease on the Grove site and will be provided for the children of Grove and Seaview Primary Schools on the Seaview site.	Approved
St Anthony's Primary School, Craigavon	It is proposed that an additional (third) nursery unit to accommodate 26 permanent full-time children to replace existing reception provision, be established at St Anthony's primary School, Craigavon, with effect from September 2011 or as soon as possible	Approved
St Joseph's College, Coalisland	It is proposed that an Autism Spectrum Disorder Unit be established at St Joseph's College, Coalisland with effect from 1 September 2010, or as soon as possible thereafter	Approved
Derriaghy Primary School	The Board proposes that Derriaghy Primary School will close with effect from 31 August 2011 or as soon as possible thereafter	Approved
Dundonald Primary School	The Board proposes that a single nursery unit should be provided at Dundonald Primary School with effect from 1 September 2011 or as soon as possible thereafter The nursery unit will accommodate 26 full time places.	Pending
St Malachy's High School, Castlewellan	CCMS proposes that an Irish Medium Unit be established at St Malachy's High School with effect from 1 September 2011 or as soon as possible thereafter.	Pending
Gaelscoil an Chaistil, Ballycastle	Establishment of a 26 Place Full Time Nursery Unit, with effect from 1 September 2011 or as soon as possible thereafter.	Pending

School	Proposal	Decision
Clough Primary School, Ballymena	To increase Nursery provision from the present 16 part-time places to 26 part-time places at Clough Primary School with effect from 1 September 2011, or as soon as possible thereafter.	Pending
Loreto College, Coleraine	Discontinue the use of academic selection as a criterion for entry to the College. With effect from 1 September 2012 or as soon as possible thereafter.	Pending
Ballymoney Nursery School	To increase Nursery provision from the present 26 full-time and 52 part-time places to 104 part-time places at Ballymoney School with effect from 1 September 2011, or as soon as possible thereafter.	Pending
Bunscoil Bheann Mhadagain	Establish an Irish-medium nursery unit from 1 September 2011 or as soon as possible thereafter. This will be a new Irish-medium nursery unit, to be known as Naiscoil Bheann Mhadagain. It will be co-educational, catering for children of pre-school age an	Pending
Bloomfield Collegiate School	To cease education provision in Bloomfield Collegiate Preparatory School on 30 August 2011.	Approved
St Paul's Nursery School and St Paul's Primary School, Belfast	To seek the approval of the Department of Education for St Paul's Nursery School to close and re-open as a 52 full-time place nursery unit of St Paul's Primary School with effect from 1 September 2011 or as soon as possible therefore.	Approved
January 2011 -		
Elmbrook School & Erne School	To amalgamate to form a new Controlled Special School on the Derrygonnelly Road, with effect from 1 September 2012, or as soon as possible thereafter.	2-month objection period current

School	Proposal	Decision
Randalstown Primary School	To convert the existing Reception Class to a Nursery Unit with 26 part-time places at Randalstown Central Primary School with effect from 1 September 2012, or as soon as possible thereafter.	2-month objection period current

Primary School Coaches Programme

Mr D Bradley asked the Minister of Education to detail the number of posts currently under the Primary School Coaches Programme with the (i) Irish Football Association; and (ii) Gaelic Athletic Association. **(AQW 4651/11)**

Minister of Education:

- (i) De réir an eolais is déanaí ó CLG agus ón IFA is é líon na gcóitseálaithe atá fostaithe faoi láthair tríd an Chlár Spórt Curaclaim ná 32 agus 25 faoi seach.
- (i) According to the latest information from the GAA and IFA the number of coaches currently employed through the Curriculum Sports Programme is 32 and 25 respectively.
- (ii) The budget made available to the GAA and IFA to deliver the Curriculum Sports Programme between 2008/09 and 2010/11 was:

2008/09	2009/10	2010/11
£1,135k	£1,517k	£1,450k

- (iii) In terms of a response to the question of future funding for the Curriculum Sports Programme I would refer the Member to my reply to AQW 3879/11 tabled by Mervyn Storey and published in the Official Report on 04 February 2011.

Primary School Coaches Programme

Mr D Bradley asked the Minister of Education to detail the budget allocations for the Primary School Coaches Programme in (i) 2008/2009; (ii) 2009/2010; and (iii) 2010/2011. **(AQW 4652/11)**

Minister of Education:

- (i) De réir an eolais is déanaí ó CLG agus ón IFA is é líon na gcóitseálaithe atá fostaithe faoi láthair tríd an Chlár Spórt Curaclaim ná 32 agus 25 faoi seach.
- (i) According to the latest information from the GAA and IFA the number of coaches currently employed through the Curriculum Sports Programme is 32 and 25 respectively.
- (ii) The budget made available to the GAA and IFA to deliver the Curriculum Sports Programme between 2008/09 and 2010/11 was:

2008/09	2009/10	2010/11
£1,135k	£1,517k	£1,450k

- (iii) In terms of a response to the question of future funding for the Curriculum Sports Programme I would refer the Member to my reply to AQW 3879/11 tabled by Mervyn Storey and published in the Official Report on 04 February 2011.

Primary School Coaches Programme

Mr D Bradley asked the Minister of Education (i) whether she intends to continue funding the Primary School Coaches Programme with the Irish Football Association (IFA) and Gaelic Athletic Association (GAA) in 2011/12; (ii) to detail the budget allocation for the Primary School Coaches Programme with the IFA and GAA for 2011/12; and (iii) how many posts will be funded within each sporting body in 2011/12.

(AQW 4653/11)

Minister of Education:

- (i) De réir an eolais is déanaí ó CLG agus ón IFA is é líon na gcóitseálaithe atá fostaithe faoi láthair tríd an Chlár Spórt Curaclaim ná 32 agus 25 faoi seach.
- (i) According to the latest information from the GAA and IFA the number of coaches currently employed through the Curriculum Sports Programme is 32 and 25 respectively.
- (ii) The budget made available to the GAA and IFA to deliver the Curriculum Sports Programme between 2008/09 and 2010/11 was:

2008/09	2009/10	2010/11
£1,135k	£1,517k	£1,450k

- (iii) In terms of a response to the question of future funding for the Curriculum Sports Programme I would refer the Member to my reply to AQW 3879/11 tabled by Mervyn Storey and published in the Official Report on 04 February 2011.

Amalgamations of Primary Schools and Post-Primary Schools

Mr M Storey asked the Minister of Education, for each of the last five years, to detail the number of amalgamations of (i) primary schools; and (ii) post-primary schools, broken down by (a) Education and Library Board area; and (b) school sector type.

(AQW 4666/11)

Minister of Education: Mionshonraítear ina iomláine sa tábla thíos an t-eolas a iarradh. Seo achoimre den eolas sin áfach:

The information requested is fully detailed in the table, below. However, to summarise:

In 2006, 2 primary schools amalgamated to form 1 new primary school and 2 post-primary schools amalgamated to form 1 new post-primary school.

In 2007, 8 primary schools amalgamated forming 3 new primary schools.

In 2008, 9 primary schools amalgamated forming 4 new primary schools.

No amalgamations occurred in 2009.

In 2010, 3 post-primary schools amalgamated to form 1 new post-primary school.

In 2011, 2 primary schools have amalgamated to form 1 new primary school

AMALAGAMATIONS

School	Amalgamated to form	ELB area	School sector (amalgamated school)	Date amalgamated	Primary/ Post-Primary
2006					
St Malachy's High School, Antrim St Olcan's High School, Randalstown	St Benedict's College	NEELB	maintained	01/09/06	Post-Primary
Convent of Mercy Primary School St Mary's Boys' Primary School, Rostrevor	St Bronagh's PS	SELB	maintained	01/09/06	Primary
2007					
St Louis PS St Joseph's PS St Mary's PS All Saints PS, Ballymena	St Brigid's PS and St Colmcille's	NEELB	maintained	01/09/07	Primary
St James Primary School, Tandragee St Josephs Primary School, Poyntzpass	St Joseph's and St James PS	SELB	maintained	01/09/07	Primary
Crossgar Primary School Drumaghlis Primary School, Crossgar	Glasswater PS	SEELB	controlled	01/09/07	Primary
2008					
Sydenham Infants Strand Primary School Belfast	Victoria PS	BELB	controlled	01/08/08	Primary
St Josephs Primary School, Ahoghill St Patricks Primary School, Aughercloney	St Paul's PS	NEELB	maintained	01/04/08	Primary
Killyman Primary School Tamnamore Primary School, Dungannon	Killyman PS	SELB	controlled	01/09/08	Primary
Burnfoot Primary School Dungiven Primary School Largy Primary School	Drumrane PS	WELB	controlled	01/09/08	Primary

School	Amalgamated to form	ELB area	School sector (amalgamated school)	Date amalgamated	Primary/ Post-Primary
2009					
No amalgamations					
2010					
St MacNissi's College, Garron Tower St Comgall's High School, Larne St Aloysius High School, Cushendall	St Killian's College	NEELB	maintained	01/03/10	Post-Primary
2011					
St John the Baptist Girls' and Boys' Primary Schools, Belfast	St John the Baptist Primary School Belfast	BELB	maintained	01/03/11	Primary

Abbey Grammar School Newry

Mr D Bradley asked the Minister of Education, in relation to the land and property at the Abbey Grammar School in Newry, to detail (i) the stage which negotiations with the Christian Brothers have reached; and (ii) the land and property involved.

(AQW 4667/11)

Minister of Education: Glacaim go mbaineann do cheist leis an scoil molta nua le haghaidh St Clare's Abbey Primary School san Iúr.

It is assumed that your question is linked to the proposed new school for St Clare's Abbey Primary School in Newry.

I can confirm that the Economic Appraisal for St Clare's Abbey Primary School has recommended that the new school be built on land currently in the ownership of the Christian Brothers. The land in question includes the former Monastery site and an area to the rear of the former Abbey G.S. site. Officials from my Department have met with representatives of the Christian Brothers as recently as 24 February 2011 to discuss the acquisition of this land for St Clare's Abbey PS. Final agreement on the way forward has still to be resolved and further discussions on this will be required.

Teachers and Principals Deemed Inadequate or Unsatisfactory

Mr D Kinahan asked the Minister of Education, for each of the last five years, to detail the number of teachers and principals in each nursery, primary, secondary, grammar and special school in the (i) maintained; (ii) controlled; (iii) integrated; and (iv) Irish-Medium sector who have been deemed (a) inadequate; and (b) unsatisfactory, broken down by Education and Library Board area.

(AQW 4675/11)

Minister of Education: Meastar obair an mhúinteora le bheith sásúil nó míshásúil agus is féidir Bord Gobharnóirí na scoile an measúnú seo a dhéanamh trí mhonatóireacht leanúnach ar obair an mhúinteora nó déanfaidh an Chigireacht Oideachais agus Oiliúna measúnú trí theagasc an mhúinteora a choimhead go díreach.

A teacher's work is evaluated as either satisfactory or unsatisfactory and can be evaluated as such by the Board of Governors of the school, through ongoing monitoring of the teacher's work, or by the Education and Training Inspectorate through direct observation of the teacher's practice.

The number of teachers whose work has been evaluated as unsatisfactory is as follows:

UNSATISFACTORY TEACHING

Board	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011
BELB					
WELB	2 Controlled Primary Schools 2 Maintained Primary Schools 1 Maintained Post-Primary (Secondary)		1 Irish-medium Primary School		
NEELB			1 Controlled Primary School	1 Integrated Post-Primary (Principal) 1 Integrated Post-Primary (Vice-principal)	
SEELB		1 Maintained Post-Primary (Grammar) 1 Irish-medium Primary School			
SELB		1 Maintained Primary School	1 Controlled Post-Primary (Secondary) 1 Maintained Primary School	1 Integrated Post-Primary 1 Maintained Primary School 1 Maintained Primary School (Principal)	1 Controlled Post-Primary (Secondary) 1 Maintained Primary School (Principal) 1 Maintained Primary School

Schools Deemed Inadequate or Unsatisfactory

Mr D Kinahan asked the Minister of Education, for each of the last five years, to detail the number of nursery, primary, secondary, grammar and special schools in the (i) maintained; (ii) controlled; (iii) integrated; and (iv) Irish-Medium sector which have been deemed (a) inadequate; and (b) unsatisfactory, broken down by Education and Library Board area.

(AQW 4676/11)

Minister of Education: Tá an t-eolas a iarradh sa tábla thíos.

The information requested is detailed in the table below.

WHERE SCHOOLS PERFORMANCE LEVEL IS INADEQUATE/UNSATISFACTORY

Board	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011
BELB	1 Irish-medium Primary School – Inadequate 1 Controlled Post-Primary (Secondary) – Inadequate 1 Irish-medium Post-Primary - Unsatisfactory	1 Irish-medium Primary School – Inadequate	1 Controlled Primary School – Inadequate 1 Irish-medium Primary School – Inadequate 1 Special School – Inadequate	1 Integrated Primary School – Inadequate 1 Irish-medium Primary School – Inadequate 1 Controlled Primary School - Inadequate	
WELB	2 Maintained Primary Schools – Inadequate 1 Controlled Primary School – Inadequate 1 Irish-medium Primary School – Inadequate 1 Maintained Post-Primary - Inadequate		1 Irish-medium Primary School – Inadequate	1 Irish-medium Primary School – Inadequate 1 Controlled Post-Primary – Inadequate	
NEELB		1 Special School – Inadequate		1 Controlled Primary School – Inadequate 1 Maintained Primary School – Inadequate 1 Integrated Post-Primary – Unsatisfactory 1 Controlled Post-Primary (Secondary) – Inadequate	

Board	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011
SEELB	2 Controlled Post-Primary (Secondary) – Inadequate 1 Special School – Inadequate	1 Irish-medium Primary School – Inadequate		1 Controlled Post-Primary (Secondary) - Inadequate	
SELB	2 Maintained Primary Schools – Inadequate	1 Integrated Post-Primary – Unsatisfactory	1 Maintained Primary School – Unsatisfactory 1 Integrated Post-Primary – Unsatisfactory		1 Maintained Primary School – Inadequate 1 Irish-medium Primary School - Inadequate

Careers Guidance and Planning in Schools

Mr C Lyttle asked the Minister of Education what discussion she has had with the Minister for Employment and Learning in relation to improving careers guidance and planning in our schools, a key recommendation of the Committee for Employment and Learning's report on its Inquiry into Young People not in Education, Employment or Training.

(AQW 4688/11)

Minister of Education: Tá sé riachtanach go gcuirtear comhairle agus gairmthreoir d'ardchaighdeán ar fáil do dhaoine óga nuair atá socruithe tábhachtacha le déanamh acu faoin oideachas agus faoin saol atá le teacht ina dhiaidh.

Access to the highest quality careers education advice and guidance is vital for our young people at key decision points in their education and beyond. I am committed to that objective and to improving further the quality of careers guidance and planning in schools. That is why, in 2009 along with the then Minister for Employment and Learning, I launched the Careers Education, Information, Advice and Guidance (CEIAG) Strategy, Preparing for Success.

Both the Minister for Employment and Learning and I have charged our officials with ensuring that the recommendations in that strategy are addressed and I am pleased with the level of joint working that has become a feature of delivering the strategy.

In developing careers provision, I expect schools to have in place partnership agreements with the Careers Service that ensure the provision of the most effective support for young people and a new draft Partnership Agreement has been prepared which formalises previous arrangements between schools and the Careers Service.

New Build for St Columba's Primary School (Straw), Draperstown

Mr M Storey asked the Minister of Education for an update on the new build for St Columba's Primary School (Straw), Draperstown.

(AQW 4698/11)

Minister of Education: Tugadh faomhadh maoinithe do 13 tionscadal i mí Lúnasa 2010 agus tá an tionscadal le foirgneamh nua scoile a sholáthar do St Columba's Primary School ar shuíomh nua ar Bhóthar Corick ar cheann de na tionscadail seo.

A project to provide a new school building for St Columba's Primary School on a new site at Corick Road, Straw was one of 13 projects approved for funding in August 2010.

Tenders for the construction of the proposed new school were nearing completion in December 2010 when the Trustees advised they were not able to secure the site at Corick Road for construction of the school.

An alternative site on Sixtowns Road has been identified and my officials are in liaison with the school Trustees and their Design Team in an effort to conclude outstanding issues and award the tender as soon as possible.

School Capital Projects

Mr G Campbell asked the Minister of Education when she expects to make a decision on the commencement of primary and post-primary school capital projects which are currently under consideration in the Foyle and East Londonderry constituencies.

(AQW 4703/11)

Minister of Education: Tá cúig thionscadal móroibreacha bunscoile agus iarbhunscoile a bhaineann le toghcheantair pharlaiminteacha an Fheabhail agus Doire Thoir atá ar Phlean Sheachadadh Infheistíochta na Roinne.

There are five primary and post primary major works projects, in the Foyle and East Derry Parliamentary Constituencies, on the Departments Investment Delivery Plan.

The Draft Budget 2011-15 highlights significant reductions in the capital budget for Education over the next four years. Any investment in new builds, if at all possible, is therefore likely to be intermittent and limited until 2014-15 and it is highly unlikely that any new schools will commence construction in 2011-12 unless additional resources are made available by the Executive.

I want to continue to build much needed new schools, but the rate at which I can do so is totally dependent on the availability of resources. The reduction in the capital allocation will require a comprehensive reassessment of how the limited capital funds available should be deployed on a strategic and prioritised basis to address the most pressing needs. This work will be a priority for my Department in the coming months and when decisions have been reached I will inform schools.

South Eastern Education and Library Board

Ms M Ritchie asked the Minister of Education if and when she intends to re-establish the South Eastern Education and Library Board.

(AQW 4715/11)

Minister of Education: Níl aon phlean agam faoi láthair le Bord Oideachais agus Leabharlann an Oirdheiscirt a athbhunú.

I have no immediate plans to reconstitute the South Eastern Education and Library Board.

Youth Court Convictions for Sexual Offences

Lord Morrow asked the Minister of Education how many pupils in the last three years have been convicted, in a Youth Court, of committing a sexual offence; and what procedures are in place to protect other pupils in the same educational setting.

(AQW 4730/11)

Minister of Education: Ní bhailíonn an Roinn eolas ar dhaltaí ar ciontaíodh as coir ghnéasach iad.

The Department does not collect information about pupils who have been convicted of committing a sexual offence.

When a young person who has been convicted of a sexual offence is to return to school, a multi-agency risk assessment is undertaken. Following the assessment, the agreed arrangements that are put in place are commensurate with the offence that resulted in the conviction.

Schools Displaying the Union Flag

Mr P Butler asked the Minister of Education how many (i) primary school; and (ii) post-primary school buildings display a Union flag.

(AQW 4794/11)

Minister of Education: Ní choinníonn an Roinn an t-eolas seo. Socraíonn Boird Gobharnóirí na scoileanna iad féin an gcuirfear brait ar crochadh nó nach gcuirfear. Bheinn ag súil, áfach, go n-oibreodh scoileanna ar aon chéim leis na prionsabail atá ag scéimeanna chomhionannais na n-údarás oideachais phoiblí le timpeallacht chomhchuí thacúil a chur chun cinn.

This information is not held by the Department. It is for individual Boards of Governors to decide whether or not to display flags. However, I would expect schools to operate in line with the principles of the equality schemes of public education authorities to promote a supportive, good and harmonious working environment.

Crossroads Primary School, Kilrea

Mr J Dallat asked the Minister of Education when she intends to make an announcement in relation to seeking tenders for the new build for Crossroads Primary School, Kilrea.

(AQW 4811/11)

Minister of Education: Is tionscadal amháin as 114 tionscadal féideartha atá ag céim an staidéir indéantachta agus breithmheas eacnamaíochta é an tionscadal molta mór oibreacha caipitil le haghaidh Crossroads Primary School. Ní bhaineann na tionscadail seo leis an Phlean Sheachadadh Infheistíochta (IDP) agus níor fógraíodh iad i dtaca le maoiniú caipitil a fháil.

The proposed major capital works project for Crossroads Primary School is one of 114 potential projects at Feasibility Study and Economic Appraisal stage. These projects do not feature on the Investment Delivery Plan (IDP) and have not been announced for capital funding.

The revised Feasibility Study for this project considers options for an amalgamation of Crossroads and St Columba's Primary Schools.

The Draft Budget 2011-15 highlights significant reductions in the capital budget for Education over the next four years. Any investment in new builds, if at all possible, is therefore likely to be intermittent and limited until 2014-15 and it will not be possible to commence construction of any new schools in 2011-12 unless additional resources are made available by the Executive. I will write to schools to inform them of the position when the budget position is finalised.

I want to continue to build much needed new schools, but the rate at which I can do so is totally dependent on the availability of resources. The reduction in the capital allocation will require a comprehensive reassessment of how the limited capital funds available should be deployed on a strategic and prioritised basis to address the most pressing needs. This work will be a priority for my Department in the coming months.

Assembly Legislation

Mr D Kinahan asked the Minister of Education to detail all legislation, since May 2007, that has gone through, or is going through, the Assembly which devolves powers or responsibilities from her Department to local government authorities.

(AQW 4841/11)

Minister of Education: Níor tugadh reachtaíocht den leithéid seo isteach sa Tionól ó bhí mí na Bealtaine sa bhliain 2007 ann.

No such legislation has been introduced to the Assembly in the period since May 2007.

Adaptive Learning Teaching and Assessment Systems NI

Mr M Storey asked the Minister of Education to detail her Department's position in relation to Adaptive Learning Teaching and Assessment Systems NI.

(AQW 4851/11)

Minister of Education: Soláthraítear uirlis measúnaithe ar líne le tacaíocht a thabhairt don mhúinteoireacht agus do mheasúnú diagnóiseach Matamaitice trí Adaptive Learning Teaching and Assessment Systems (NI) Limited (Alta), don tréimhse a mhaireann ó lár na bliana 2007 go lár na bliana 2012, de réir an chonartha atá ann le Bord Oideachais agus Leabharlann an Iarthair agus an maoiniú atá tugtha ag mo Roinn.

Under a contract with the Western Education and Library Board, funded by my Department and covering the period from mid-2007 to mid-2012, Adaptive Learning Teaching and Assessment Systems (NI) Limited (Alta) provides an online assessment tool to support teaching and diagnostic assessment in mathematics.

This tool is available for use by schools on a non-statutory basis. It is one of a range of tools which teachers can use to support their classroom practice. When used over time it can provide useful information about pupils' progress across a range of mathematical areas. Some 270 schools are currently registered to use the service.

In communications to schools my Department has encouraged them to make use of Alta and other assessment tools to support their work to improve pupil outcomes in the important area of numeracy.

Transfer of £41m from Capital to Revenue Expenditure

Mr D McNarry asked the Minister of Education whether she sought advice from the Minister of Finance and Personnel and Her Majesty's Treasury before she made the commitment to transfer £41m from capital to revenue expenditure within her departmental budget.

(AQW 4887/11)

Minister of Education: D'aontaigh an Coiste Feidhmiúcháin amharc ar iarratais ó Airí le caiteachas Caipitil a athaicmiú go dtí Acmhainní más rud é, i ndiaidh dréacht-leithdháiltí Buiséid, go mbíonn an brú ar thaobh Acmhainní an bhuiséid go speisialta dian agus doláimhsithe.

The Executive agreed to consider requests from Ministers to reclassify Capital expenditure to Resource if, following draft Budget allocations, the pressures on Resource side of the budget are particularly severe and unmanageable. In this context, I wrote to the Minister for Finance and Personnel on 14th January requesting Executive agreement to a proposal to transfer £41 million of funding from capital to resource in 2011-12 to minimise as far as possible the impact on the level of funding directly available to schools.

A reply from the Minister for Finance and Personnel confirmed it is important that the Executive consider the overall block position, including proposals put forward by other Ministers, before reaching any decisions and that this matter would be considered by the Executive in their deliberations on the revised Budget. Until the Executive, and ultimately the Assembly, agree the revised Budget I will not be in a position to confirm if this request has been successful.

DE: Arm's-length Bodies

Mr P Butler asked the Minister of Education what impact the establishment of the Education and Skills Authority would have on the funding available for her Department's arm's length bodies.

(AQO 1170/11)

Minister of Education: Bheadh an tÚdarás um Scileanna agus Oideachas freagrach as na feidhmeanna a chomhlíonann na Boird Oideachais agus Leabharlann agus comhlachtaí eile faoi láthair.

The Education and Skills Authority would be responsible for the functions performed currently by the Education and Library Boards and other bodies. Its impact would be to reduce significantly the costs of duplication and bureaucracy and so mean a greater share of the education budget could be directed to the classroom. It is very disappointing therefore that ESA has not yet been established given the very difficult financial climate we all are now in.

Schools: Lurgan

Mr J O'Dowd asked the Minister of Education what plans the Southern Education and Library Board has for the future provision of controlled schools in the Lurgan area.

(AQO 1173/11)

Minister of Education: Tá tugtha le fios ag Bord Oideachais agus Leabharlann an Deiscirt (SELB) gur tugadh chun críche staidéar tosaigh ar sholáthar riachtanas iarbhunscolaíochta na hearnála rialaithe ar an Lorgain, is iad sin na riachtanais a bheidh ann san am atá le teacht, agus go bhfuil sé ar intinn ag an Bhord cáipéis chomhairliúcháin ar na roghanna oideachais atá ar fáil a fhoilsiú.

The Southern Education and Library Board (SELB) has advised that it has completed an initial study on future provision needs of post-primary education in the controlled sector in Lurgan and intends to publish a consultation document on the educational options.

It is planned that the consultation will take after the Assembly Election, in May 2011. The responses to the consultation will then be considered and any recommendation for the way forward, agreed by the Board, where a significant change is proposed will then be subject to the normal development proposal process.

Education and Library Boards

Ms S Ramsey asked the Minister of Education, given the current economic climate, what actions are being taken to ensure the convergence of services in the five Education and Library Boards.

(AQO 1174/11)

Minister of Education: Tá mé tiomanta go fóill le Údarás um Oideachas agus Scileanna (nó ESA) a bhunú agus tá mé réidh é seo a thabhairt chun cinn chomh luath agus is féidir.

I remain committed to the establishment of the Education and Skills Authority (or ESA) and I am ready to bring this forward at the earliest opportunity.

In the absence of ESA, it is important that we are focused on streamlining administration, removing variability in service delivery and improving educational outcomes through more consistent delivery of key policies. It is imperative that Boards continue to work towards those objectives including the development of models whereby services may be managed regionally. Given the current economic climate it is particularly important that all actions are being taken to release savings through reductions in administration and management costs.

Schools: Information and Communication Technology

Mr D Kinahan asked the Minister of Education to outline the likely impact that the reduction in spending on Information Communication Technology (ICT) will have on schools.

(AQO 1175/11)

Minister of Education: Soláthraítear ICT sna scoileanna tríd an seirbhís Classroom 2000 nó C2k.

ICT in schools is provided by the Classroom 2000, or C2k, service. C2k gives schools equipment and connectivity as well as safe internet access and curricular and administrative software. The service is free to schools, but has an annual Departmental cost of £50 million.

I believe that savings can be achieved while still allowing schools to have the hardware, software and connectivity that they need to deliver the revised statutory curriculum and to maintain school and pupil records.

C2k consists of a number of contracts with suppliers which are shortly due for renewal, and C2k staff are currently procuring a new single contract to replace them. If the procurement process is accelerated, C2k can terminate the existing contracts early, and take advantage of the reducing market costs of ICT products and services.

Schools will still be able to meet statutory requirements for the revised curriculum and pupil assessment. The service will retain necessary safeguards in relation to internet and data security, and the capacity for data transmission between schools, boards and the Department.

Overall, whilst savings are being proposed for this area, they will be brought about by reducing costs rather than services. C2k will remain available to support the curriculum and the smooth running of schools.

Free School Meals: Western Education and Library Board

Mr B McElduff asked the Minister of Education how many pupils qualify for free school meals in the Western Education and Library Board area.

(AQO 1176/11)

Minister of Education: Sa bhliain acadúil dhá mhíle is a deich / dhá mhíle is a haon déag (2010/11), bhí ceithre mhíle dhéag, naoi gcead agus trí dalta déag (14,913) a raibh teidlíocht bhéilí saora scoile acu agus na daltaí seo rollaithe in áiteanna maoinithe ar nós ionaid réamhscoile (idir dheonach agus phríobháideach), bunscoileanna agus iarbunscoileanna a bhí suite i gceantar Bhord Oideachais agus Leabharlann an Iarthair.

In the 2010/11 academic year, there were 14,913 pupils enrolled in voluntary and private preschool centres, nursery schools, primary, post primary and special schools located in the Western Education and Library Board area, entitled to free school meals. This equates to 25.9% of pupils attending schools and voluntary or private preschool centres in the Western Education and Library Board area.

For all schools and funded places in voluntary and private preschool centres in the North, 20% of pupils were entitled to free school meals. Last April I announced that the free school meals eligibility criteria would be extended on a phased basis to include full-time nursery and primary school children whose parents are in receipt of working tax credit and have an annual income which does not exceed £16,190 in 2010-11. When the change is implemented in full around 10,000 additional children across the North will be eligible for free school meals.

DE: Budget 2011-15

Mr W Clarke asked the Minister of Education to outline the discussions that both she and her Department have had with the Committee for Education regarding the draft Budget 2011-2015.

(AQO 1177/11)

Minister of Education: Foilsíodh sonraí mo Dhréacht Mholtaí um Leithdháilití agus Coigilteas ar 13ú hEanáir.

I published details of my Draft Allocations and Savings Proposals on 13th January and met with the Committee for Education on 18th January. I was grateful for the opportunity to set out for the Committee my Budget proposals and the rationale for them. I expressed my hope that we could build a sense of common purpose about the challenges the draft Budget poses for education and hence for our children's future.

Following letters from the Committee for Education dated 19th and 20th January my officials have had two further meetings with the Committee on 25th and 26th January. The purpose of these meetings was to address any further issues the Committee had with my draft Budget proposals.

The discussions covered in detail the proposals in my published document including:-

- Savings Delivery Plans;
- Inescapable Pressures;
- Overall position on Resource Budget;
- Overall position on Capital Budget;
- End Year Flexibility;
- Home to School Transport;
- ICT in Schools;
- Reclassification of Capital to Resource;
- ESAIT;
- Aggregated School Budget;
- Special Educational Needs;
- Extended Schools;
- Counselling Services;
- Youth Services;
- Extension of Free School Meals;
- Early Years Provision.

The Chairperson forwarded the final response of the Committee for Education's scrutiny of the Draft Budget 2011-15: Department of Education Draft Allocations and Savings Proposals on 15th February.

Portadown College

Mr S Anderson asked the Minister of Education whether the proposed reallocation of £41 million of departmental capital funding to the resource budget will have any impact on the new build for Portadown College.

(AQO 1178/11)

Minister of Education: Is tionscadal amháin as caoga is a ceathair tionscadal atá go fóill ar Phlean Deich mBliana Sheachadadh Infheistíochta na Roinne é an tionscadal um thógáil an fhoirgnimh nua le haghaidh Portadown College.

The new build project for Portadown College is one of 54 projects remaining on the Department's 10 year Investment Delivery Plan (IDP).

I believe we should be continuing to invest in our schools estate and that is the reason I am seeking further resources in this budgetary process.

The Draft Budget 2011-15 highlights significant reductions in the capital budget for Education over the next four years. Unless we secure further resources I am seeking, the school building programme will continue but at a slower rate.

I believe we should be continuing to invest in our schools estate and that is the reason I am seeking further resources in this budgetary process.

There are unallocated resources and I will be seeking to ensure that Education receives the funding so badly needed for our schools. I look forward to the support of all my Executive colleagues in relation to this.

Drumlins Integrated Primary School, Ballynahinch

Mr T Lunn asked the Minister of Education for an update on the new build for Drumlins Integrated Primary School, Ballynahinch.

(AQO 1179/11)

Minister of Education: Ní tionscadal caipitil ar Phlean Sheachadadh Infheistíochta na Roinne é an tionscadal a bhaineann le Drumlins Integrated Primary School.

Drumlins Integrated Primary School is not one of the capital projects on my Department's Investment delivery Plan. Therefore there are no plans for a new build for this school.

My Department is aware of the difficulties the school finds itself in regarding its currently location and has been working closely with the Board of Governors and the Council for Integrated Education (NICIE) on finding an alternative suitable site for the school. A combined feasibility study and economic appraisal has been commissioned to examine the options for a new site. When this work is completed the options and affordability will be considered

Department for Employment and Learning

Regional Colleges: Industrial Tribunal of Fair Employment Tribunal Cases

Mr P Callaghan asked the Minister for Employment and Learning to detail the number of industrial tribunal or fair employment tribunal cases lodged against each Regional College in which there was (i) a settlement with admission of liability; (ii) a settlement without admission of liability; or (iii) a finding in favour of the applicant, in each of the last three years.

(AQW 4420/11)

Minister for Employment and Learning (Mr D Kennedy): The information requested has been supplied by each Further Education College and is attached at Annex A.

ANNEX A

2007/08

College	Belfast Metropolitan College	Northern Regional College	North West Regional College	South Eastern Regional College	Southern Regional College	South West College
Settlement with admission of liability	0	0	0	0	0	0
Settlement without admission of liability	1	0	0	1	2	0
Finding in favour of applicant	0	0	0	0	0	0

2008/09

College	Belfast Metropolitan College	Northern Regional College	North West Regional College	South Eastern Regional College	Southern Regional College	South West College
Settlement with admission of liability	0	0	0	0	0	0

College	Belfast Metropolitan College	Northern Regional College	North West Regional College	South Eastern Regional College	Southern Regional College	South West College
Settlement without admission of liability	1	1	0	0	0	0
Finding in favour of applicant	1	0	0	0	0	0

2009/10

College	Belfast Metropolitan College	Northern Regional College	North West Regional College	South Eastern Regional College	Southern Regional College	South West College
Settlement with admission of liability	0	0	0	0	0	0
Settlement without admission of liability	3	0	3	0	1	0
Finding in favour of applicant	0	0	0	0	0	0

Regional Colleges: Industrial Relations Grievances or Complaints

Mr P Callaghan asked the Minister for Employment and Learning to detail the number of industrial relations grievances or complaints lodged by members of staff in each Regional College, in each of the last three years.

(AQW 4421/11)

Minister for Employment and Learning: The information requested has been supplied by each Further Education College and is attached at Annex A.

ANNEX A**2007/08**

College	Belfast Metropolitan College	Northern Regional College	North West Regional College	South Eastern Regional College	Southern Regional College	South West College
Number of industrial relations grievances or complaints lodged by members of staff	21	4	0	1	6	2

2008/09

College	Belfast Metropolitan College	Northern Regional College	North West Regional College	South Eastern Regional College	Southern Regional College	South West College
Number of industrial relations grievances or complaints lodged by members of staff	27	6	0	7	9	1

2009/10

College	Belfast Metropolitan College	Northern Regional College	North West Regional College	South Eastern Regional College	Southern Regional College	South West College
Number of industrial relations grievances or complaints lodged by members of staff	18	13	2	14	9	3*

* 1 case was subsequently withdrawn

Regional Colleges: Industrial Tribunal of Fair Employment Tribunal Cases

Mr P Callaghan asked the Minister for Employment and Learning to detail the financial awards made by an industrial tribunal or fair employment tribunal to successful applicants in each of the last three years, broken down by Regional College.

(AQW 4424/11)

Minister for Employment and Learning: The information requested has been supplied by each Further Education College and is attached at Annex A.

ANNEX A**2007/08**

College	Belfast Metropolitan College	Northern Regional College	North West Regional College	South Eastern Regional College	Southern Regional College	South West College
Financial awards made by an industrial tribunal or fair employment tribunal to successful applicants	0	0	0	0	0	0

2008/09

College	Belfast Metropolitan College	Northern Regional College	North West Regional College	South Eastern Regional College	Southern Regional College	South West College
Financial awards made by an industrial tribunal or fair employment tribunal to successful applicants	£1,500	0	0	0	0	0

2009/10

College	Belfast Metropolitan College	Northern Regional College	North West Regional College	South Eastern Regional College	Southern Regional College	South West College
Financial awards made by an industrial tribunal or fair employment tribunal to successful applicants	0	0	0	0	0	0

Appointments to Public Bodies and Arm's-Length Bodies

Mr G Campbell asked the Minister for Employment and Learning to detail the number and names of individuals that have been appointed to (i) public bodies; and (ii) arm's-length bodies since May 2007. **(AQW 4448/11)**

Minister for Employment and Learning: Since May 2007 my predecessor, Lord Empey of Shandon, and I have made 148 new appointments, 209 re-appointments and 19 temporary re-appointments. A full breakdown for each Public Body and Arms Length Body, including the names of appointees, has been placed in the Assembly Library and on the Department for Employment and Learning's website (<http://www.delni.gov.uk/>).

Staff Employed in Further Education Branches

Mr C McDevitt asked the Minister for Employment and Learning to detail the number of staff employed within his Department's Further Education branches in each year since 2004. **(AQW 4527/11)**

Minister for Employment and Learning: The number of staff employed within the Department for Employment and Learning's Further Education branches in each year since 2004 is as detailed in the table below:

Year	Headcount	Full Time Equivalence
2004	46	43.39
2005	44	42.02
2006	48	44.33
2007	45	42.15
2008	44	41.22

Year	Headcount	Full Time Equivalence
2009	39	36.76
2010	39	37.15
2011	42	39.83

Open University

Mr P Weir asked the Minister for Employment and Learning how many students are currently studying with the Open University.

(AQW 4640/11)

Minister for Employment and Learning: In 2009/10 (the latest year for which data are available), there were 4,625 students from Northern Ireland studying through the Open University.

Educational Opportunities in Kilcooley

Mr A Easton asked the Minister for Employment and Learning to outline any co-operation that exists under the Neighbourhood Renewal programme between the South Eastern Regional College and the Kilcooley Women's Education Centre to improve educational opportunities in Kilcooley.

(AQW 4644/11)

Minister for Employment and Learning: There is no formal relationship between the South Eastern Regional College and the Kilcooley Women's Education Centre; however, there may be scope for Kilcooley Women's Group to collaborate with the local Further Education College, given the mutual benefits to be derived by both parties. The South Eastern Regional College continues to improve educational opportunities in Kilcooley by welcoming students from Kilcooley at its Bangor and Newtownards campuses.

Careers Guidance and Planning in Schools

Mr C Lyttle asked the Minister for Employment and Learning what discussions he has had with the Minister of Education in relation to improving careers guidance and planning in our schools, a key recommendation of the Committee for Employment and Learning's report on its Inquiry into Young People not in Education, Employment or Training.

(AQW 4689/11)

Minister for Employment and Learning: My Officials have held regular discussions with Department of Education colleagues since the launch in 2009 of the joint Careers Education, Information, Advice and Guidance Strategy, 'Preparing for Success'. These discussions have included work on improving careers guidance and planning in our schools.

I can confirm that formal Partnership Agreements are in place, and being delivered, in 259 out of the 261 schools across Northern Ireland. These agreements detail the range of services offered by my Department's Careers Service and provide a framework to ensure all learners in post-primary education have access to high quality Careers Education, Information, Advice and Guidance (CEIAG) and to enable young people to become effective career decision makers.

I welcome the recommendation of the Committee's report on its Inquiry into Young People not in Education, Employment or Training in relation to improving careers guidance and planning in schools. Work is continuing between the two Departments to build on the progress already made. Further work on this will be considered and taken forward under the proposed cross-Departmental strategy.

Education Maintenance Allowance

Mr T Clarke asked the Minister for Employment and Learning how many people are currently in receipt of Education Maintenance Allowance, broken down by Education and Library Board area.

(AQW 4696/11)

Minister for Employment and Learning: The table overleaf details the total number of Northern Ireland domiciled students approved for payment of Education Maintenance Allowance for the current academic year 2010/11, as at 24 February 2011, broken down by Education and Library Board.

Education and Library Board	Approved EMA Applications
Belfast Education Library Board	5,315
North Eastern Education Library Board	4,672
South Eastern Education Library Board	3,467
Southern Education Library Board	5,825
Western Education Library Board	5,359
Total	24,638

Education Maintenance Allowance

Mr C Lyttle asked the Minister for Employment and Learning when the consultation on his proposals for Education Maintenance Allowance will commence.

(AQW 4742/11)

Minister for Employment and Learning: Both my Department and the Department of Education received the findings of the jointly commissioned Review of the Education Maintenance Allowance scheme in Northern Ireland in December 2010. Officials from both Departments are currently assessing the findings of the report therefore no decisions have yet been made on the future of the scheme. I should stress, however, that there are no plans to abolish the Education Maintenance Allowance in Northern Ireland.

I can also confirm that any proposals to amend the current provision of the EMA scheme in Northern Ireland will be subject to a public consultation and appropriate equality considerations, and also taking account of the very difficult budgetary position currently facing my Department. It is intended that the public consultation will commence as soon as practically possible in the new mandate. Prior to that, my Department will be liaising with the Department of Education with the aim of drafting an agreed consultation document.

I can further advise that the Review Report has been shared with the Employment and Learning Committee. The Committee recently wrote to me with a series of proposals relating to this important issue. One of those proposals concerns the need for further pre-consultation engagement and I will wish to give this serious consideration. My Department will also wish to engage fully with the Committee as policy options are developed. Clearly we will want to carefully consider any potential impact on students from the most disadvantaged backgrounds, whom I am committed to supporting.

Student Fees

Mr S Moutray asked the Minister for Employment and Learning, pursuant to AQW 4172/11, whether he had any discussions with Members of the House of Lords in relation to student fees, prior to the vote on the amendment moved by Lord Triesman on 14 December 2010.

(AQW 4770/11)

Minister for Employment and Learning: I had no contact with Members of the House of Lords prior to the amendment moved by Lord Triesman against the approval of the regulations in England to increase the basic and higher level tuition fees to £6,000 and £9,000 respectively.

Residence of the Vice-Chancellor of Queen's University at Lennoxvale, South Belfast

Mr A Maskey asked the Minister for Employment and Learning to detail all annual costs associated with the residence of the Vice-Chancellor of Queen's University at Lennoxvale, South Belfast, in each of the last two years.

(AQW 4802/11)

Minister for Employment and Learning: My Department provides funding to Queen's University for teaching and learning and research purposes only as specified in the Education and Libraries (Northern Ireland) Order 1993. No funding is provided in respect of the Vice-Chancellor's residence as it is outside the remit of the above legislation and my Department holds no information on this. The member may consider approaching the University itself for this information.

Programmes to Assist Older People to Return to Work

Mr R McCartney asked the Minister for Employment and Learning to detail (i) what programmes are available to assist older people to return to work; and (ii) what initiatives exist to remove the barriers preventing older people from engaging in education that would assist in their return to work.

(AQW 4829/11)

Minister for Employment and Learning: My Department has a comprehensive range of programmes and services available throughout Northern Ireland to help people of all ages train for, find and remain in work.

The main adult return to work provision is the Steps to Work programme. It assists customers who are at least 18 years old and are unemployed or economically inactive irrespective of whether or not they are in receipt of benefit.

Provision is flexible so it can be tailored to address specific barriers a customer may have to finding employment. Opportunities include –

- the option to gain a work related qualification;
- relevant work experience through high quality job placements,
- assistance with improving essential skills;
- if required, help with developing the skills needed to search for work or sustain employment; and,
- a self-employment option for those wishing to start their own business.

Through its network of Jobs & Benefits Offices and Jobcentres my Department also offers a full Employment Adviser service together with employment programmes for people with health conditions and disabilities.

Careers Service staff are also available throughout Northern Ireland also through the local office network to provide adults with careers information, advice and guidance. This is designed to help people identify career goals and to source relevant courses to help them achieve those goals.

Further Education Colleges deliver accredited qualifications to meet the needs of learners and employers from Entry level to level 8, and are available to people of all ages and abilities.

In addition, Colleges offer concessions on a means tested basis, for example to people who are in receipt of a number of benefits such as Income Support, Jobseekers Allowance, Guaranteed Pension Credit and more recently Rates Relief. Also, Colleges have appointed older people's champions to assist older learners in navigating the process of claiming these concessions.

The Essential Skills of Literacy, Numeracy and ICT from entry level up to level 2 are available free of charge to all adults at Further Education colleges.

ICT in particular aids with essential services for older people for day-to-day living, including access to online information regarding careers and job opportunities

Students who Reside in the Republic of Ireland

Mr R McCartney asked the Minister for Employment and Learning what financial assistance his Department provides for students who reside in the Republic of Ireland and attend university in Northern Ireland.

(AQW 4830/11)

Minister for Employment and Learning: I can advise that under European Union law, eligible Republic of Ireland domiciled students, indeed all European nationals, studying at a university in Northern Ireland, anywhere else in the United Kingdom or in another member state are entitled to the same level of tuition fee support as a home student in that member state.

For the current academic year 2010/11, a non-means tested tuition fee loan of up to £3,290 is available for eligible Northern Ireland domiciled students and European nationals, including those from the Republic of Ireland, studying at a university in Northern Ireland.

Tuition Fees

Mr P Butler asked the Minister for Employment and Learning for his assessment of the article in the Irish News on 24 February 2011 on tuition fees.

(AQW 4865/11)

Minister for Employment and Learning: I have said on a number of occasions in this Assembly, that following discussion with my Executive colleagues, I intend to launch a public consultation on a range of tuition fee options.

Student Retention and Achievement Rates

Ms M Ritchie asked the Minister for Employment and Learning to detail the average (i) student retention rate; and (ii) student achievement rate of each further education college, in each of the last three years.

(AQW 4931/11)

Minister for Employment and Learning: Retention and achievement rates in the format collected by the Department are detailed overleaf for the most recent 3 years for which data are available

College	2007/08		2008/09		2009/10	
	Retention Rate	Achievement Rate	Retention Rate	Achievement Rate	Retention Rate	Achievement Rate
Belfast Metropolitan	87%	71%	85%	64%	87%	46%
Northern Regional	86%	57%	85%	62%	82%	59%
South Eastern Regional	88%	72%	90%	74%	87%	78%
Southern Regional	93%	63%	93%	72%	92%	72%

College	2007/08		2008/09		2009/10	
	Retention Rate	Achievement Rate	Retention Rate	Achievement Rate	Retention Rate	Achievement Rate
South West	88%	79%	89%	76%	92%	76%
North West Regional	89%	62%	86%	66%	85%	56%

Source: Further Education Leavers Survey (FELS)

Notes:

1. Due to difficulties associated with obtaining data from awarding bodies it is accepted that the achievement rates quoted above are understated. Data quality issues also exist and therefore these figures are used for information purposes only.
2. Data for 09/10 are provisional and likely to change following further validation discussions with the colleges.
3. The retention rate is defined as the proportion of final year students who complete their programme of study as a percentage of those who start their final year.
4. The achievement rate is defined as the proportion of final year students who obtain a qualification as a percentage of final year completers.
5. Partial achievement is also included within the data (although this accounts for less than 5% of total achievements).

European Social Fund

Ms S Ramsey asked the Minister for Employment and Learning why his Department is unable to fund projects that are successful under Tranche 2 of the European Social Fund.

(AQW 4936/11)

Minister for Employment and Learning: The second call for Priority One of the NIESF Programme was an open, competitive and time bound call for projects seeking funding from a finite budget through contracts that last for a three-year project period.

The second call was very significantly over-subscribed. 112 applications were received with 100 meeting the minimum quality threshold, bidding for £43.1 million in ESF. In the context of an available budget of just over £30 million, my Department has given due consideration to the equitable distribution of the available funding, and concluded that in the first instance we should ask the top scoring 83 projects to look again at their overall costs. We have offered these applicants some 75% of the amount they bid for. This is with the objective of allowing more projects to be funded in the second call against the finite ESF budget, in the interest of social inclusion and in keeping with the NIESF Operational Programme.

This inevitably meant that 17 projects which met the minimum quality threshold have not been allocated any funding at this stage. Had I simply allocated 100% funding to projects on a merit order basis against the budget sought without seeking efficiencies, only 49 projects would have been funded.

I trust that this answer provides you with the clarification you require.

Bytes Projects

Ms J McCann asked the Minister for Employment and Learning if, and by how much, funding for the Bytes Project has been cut in his Department's spending plans; and for his assessment of the impact of these cuts on Bytes Projects based in West Belfast.

(AQW 4987/11)

Minister for Employment and Learning: My Department has been a contributory funder to this project over the past six years. My Department's contribution in Financial Year 2010/2011 was £288,000.

Until the Executive has finalised its budget, I am not in a position to assess the impact that any potential reductions in funding would have on my Department's ability to continue funding the project at these levels.

Unemployment: Young People

Miss M McIlveen asked the Minister for Employment and Learning what new strategies he plans to put in place to respond to the rise in youth unemployment.

(AQO 1185/11)

Minister for Employment and Learning: Since the start of the economic downturn my Department has put in place a range of support interventions especially for the young unemployed.

Within the Steps to Work programme a number of enhancements have been introduced. These include: provision for unemployed graduates; paid temporary employment opportunities within the community and voluntary sectors under Step Ahead; contingency arrangements for redundant apprentices within specific sectors and an increased range of training available.

In addition, there is a guaranteed training place and financial support for all eligible 16-17 year olds under the Training for Success programme.

My Department continues to make significant investment in the six Further Education Colleges where over one hundred million pounds is focused on full time provision where almost three-quarters of students are in the 16-19 aged cohort.

Careers advisers provide impartial, information, and guidance to clients including to unemployed young people and in doing so endeavour to make contact with 16 and 17 year olds who are not in education, training or employment with the ultimate aim of their re-engagement.

Through our Jobs and Benefits Offices, Jobcentres and contracted Providers my Department provides services to unemployed young people seeking work.

My Department is currently considering recommendations in the recently published NEETS report, in the context of providing a cross-departmental strategic approach to the issue, and I hope to seek Executive agreement in March 2011 to issue a high level framework document for public consultation.

Universities: Fees

Ms A Lo asked the Minister for Employment and Learning what action his Department is taking to ensure that sixth form pupils and schools are being kept informed of the potential changes to university fees.

(AQO 1186/11)

Minister for Employment and Learning: Subject to discussions with my Executive colleagues the options for Northern Ireland in relation to tuition fees and future student finance arrangements will be set out shortly in a public consultation paper. This will take account of my Department's budget settlement.

During the public consultation and debate on this very important issue I would be keen to hear from sixth form pupils and from schools and I would encourage them to attend and participate in the consultation process and any associated events.

Additionally, should the new Assembly decide to increase tuition fees following the public consultation, my Department's Careers Service will ensure Careers Advisers are fully informed of any changes so that they can pass on this information to Sixth form pupils to enable them to make informed choices about their future.

In addition each of the universities will set out information about fees and the level of student support available in its student prospectus.

Joanne Stuart, in both her original report and the update to it, recognised the importance of clear communication and accurate information and my Department will be working with stakeholders on this issue.

Finally, can I say that in trying to communicate the key messages on this issue to stakeholders, we are not helped by inaccurate comments and scaremongering. Moving forward, can I therefore encourage a mature debate on this very important issue as the opposite only serves to mislead school pupils and their parents.

University of Ulster: Magee Campus

Mrs M Bradley asked the Minister for Employment and Learning for an update on the expansion of the University of Ulster's Magee Campus.

(AQO 1187/11)

Minister for Employment and Learning: The university has provided a Strategic Outline Case to support its request for additional undergraduate places at its Magee campus and this is subject to ongoing discussions between my Department, the Department of Finance and Personnel and the university. My Department submitted a bid in the recent Comprehensive Spending Review to support the increase in numbers. The issue of the Maximum Student Number (MaSN) is being considered as part of the wider consultation on the Higher Education Strategy and the potential impact of the future level of tuition fees on student flows will also need to be considered.

I am well aware that all Departments are facing financial challenges in the current climate and I would welcome your support and that of your party for ensuring that sufficient resources are available in my Department's final budget to meet the bid. This is ultimately a matter for the Assembly.

Lone Parent Earnings Disregard

Mrs C McGill asked the Minister for Employment and Learning if he has met with any stakeholder groups to take their views on the Lone Parent Earnings Disregard and its potential role and effectiveness in addressing child poverty and getting parents back to work.

(AQO 1188/11)

Minister for Employment and Learning: My communication on this matter has been with the Office of the First and Deputy First Minister who put a proposal for a pilot project to me late last year.

I support any action that will help to lift people, and especially children, out of poverty. However, the proposed pilot has been overtaken by events. A new Welfare Reform Bill, recently introduced in Westminster, will introduce Universal Credit in October 2013. This new credit will allow benefit claimants, including lone parents, to keep more of their earnings as benefits will be withdrawn at a uniform rate of no more than 65 pence in every additional pound earned. This change will do exactly what the proposed pilot was designed to test.

I expect Universal Credit to be introduced in Northern Ireland in 2013 as a social security parity measure. To trial a change to a benefits regime which is about to be radically changed would, in my view, not be value for money.

Stuart Review

Ms C Ní Chuilín asked the Minister for Employment and Learning what involvement both he and his departmental officials had with Joanne Stuart prior to the release of her most recent report on student fees.

(AQO 1189/11)

Minister for Employment and Learning: Following the publication of the original Stuart Review in October 2010, Joanne Stuart attended two meetings of the external stakeholder group for the development

of future student finance policy to brief them on progress on her updated report. These meetings were chaired by an official in my Department.

On 29 January 2011, I received the updated report on the independent review of variable fees and student finance arrangements from Joanne Stuart. Between that date and the publication of the updated report on 8 February 2011, Joanne Stuart met with me to give an overview of her findings and recommendations.

Officials in the Department provided limited administrative and secretariat support to Joanne Stuart for her work on this independent review, including the update. This involved, for example, the provision of statistical information, financial cost comparisons and clarification of the draft budget position for inclusion in her evidence based updated report.

Queen's University Belfast and Stranmillis University College: Merger

Mr K Robinson asked the Minister for Employment and Learning for an update on the proposed merger of Queen's University Belfast and Stranmillis University College.

(AQO 1190/11)

Minister for Employment and Learning: I have stated previously that legislation will not be brought forward to discontinue the College unless the newly merged entity can guarantee respect for the ethos of the Controlled Sector and that officials were exploring with legal advisers how this can be achieved. Advice has now been received and I am now satisfied that the ethos of the Controlled Sector can be protected. I am now fully supportive of the proposal to create a world class School of Education at Stranmillis and I intend to make an announcement in the Assembly and launch a public consultation on the proposed merger in the very near future.

Higher Education: Tuition Fees

Mr P Weir asked the Minister for Employment and Learning when he intends to make his decision on the level of higher education tuition fees.

(AQO 1191/11)

Minister for Employment and Learning: Any decision to increase the cap on tuition fees must be made by the Assembly. Subject to the agreement of my Executive colleagues, the options for Northern Ireland, in relation to tuition fees and future student finance arrangements, will be set out shortly in a public consultation paper.

I would repeat that current legislation provides that aside from any annual inflationary uplift, the decision to increase fees will be for the Assembly to make.

Young People not in Education, Employment or Training Strategy

Mr R McCartney asked the Minister for Employment and Learning when the draft Young People Not in Education, Employment or Training Strategy will be issued for public consultation.

(AQO 1192/11)

Minister for Employment and Learning: My officials and those from other relevant Departments are currently working to bring forward a draft cross-departmental strategy addressing the barriers facing young people outside Education Employment or Training. I intend to bring the draft consultation document to the Executive in March for consideration. Subject to agreement by the Executive I would then intend to issue the draft document for public consultation.

Work Programme

Mr F Molloy asked the Minister for Employment and Learning if he has given any consideration to the Work Programme which is to replace the Future Jobs Fund in Great Britain and whether he intends to consider its introduction in Northern Ireland.

(AQO 1193/11)

Minister for Employment and Learning: The Work Programme will be introduced in Great Britain in summer 2011. The Work Programme will replace the Flexible New Deal and Pathways to Work initiatives, rather than Future Jobs Fund. The latter was a specific initiative introduced by the previous Government to address some of the unemployment difficulties caused by the economic crisis. The current Government has abolished the Fund and it will close around the end of March this year. Resource constraints did not allow us to match the Future Jobs Fund offering in Northern Ireland.

In Northern Ireland we currently have Steps to Work as our main “back to work” programme. The principles underpinning Steps to Work are consistent with the Great Britain Work Programme. Essentially it is already available to the same client group as the Great Britain Work Programme. I will however need to see the full detail of the Great Britain Work Programme before I can properly assess its potential for Northern Ireland. The final budget settlement will determine what is affordable and I hope to bring forward proposals later this year. The earliest any changes will be introduced here will be April 2012.

In the meantime I will extend existing Steps to Work contracts for a further year to ensure continuity of provision for the long-term unemployed.

Apprenticeships: Funding

Mr A Maginness asked the Minister for Employment and Learning to outline the rationale behind his decision to withdraw funding for adult apprenticeships.

(AQO 1194/11)

Minister for Employment and Learning: My Department faces difficult decisions on expenditure both in the context of Budget 2010 and at a time when its services are most needed to assist young people, adults and industry to respond positively to the economic downturn. Apprenticeships have a key role to play in this by developing individual skills and strengthening the regional economy both now and in the future. As such, I am determined to protect apprenticeship funding for young people in the 16-24 year old category who are just entering the labour market and are needing to acquire and develop their skills. The potential withdrawal of funding for those over 25 will allow my Department to protect the career paths of young people who are most likely to be affected by the current economic situation.

My intention, in the Draft Budget, is to honour the funding commitment to adults currently following an apprenticeship, although my ability to do this is dependant on a Final Budget being agreed by the Executive that adequately prioritises the delivery of skills.

In the event of no funding being available for adult apprenticeships, I would encourage employers to continue to pursue and benefit from the well established ApprenticeshipsNI training model.

Furthermore, employers can upskill their staff through the Skills Solution Service which I have established to help employers develop a tailored programme of training.

Department of Enterprise, Trade and Investment

Air Fares Incurred by Departmental Staff

Mr J Dallat asked the Minister of Enterprise, Trade and Investment to detail the total cost of first class and business class air fares incurred by departmental staff in each of the last three years.

(AQW 4460/11)

Minister of Enterprise, Trade and Investment (Mrs A Foster): The Department of Enterprise Trade and Investment has spent the following amounts on Business Class travel in the last three financial years. The Department did not use first class air travel in this period.

2007 – 2008	2008 – 2009	2009 – 2010
£51,560.65	£57,895.92	£69,496.58

Wildfowl and Wetlands Centre at Castle Espie

Mr S Hamilton asked the Minister of Enterprise, Trade and Investment how much her Department, or its agencies, has invested in the redevelopment of the Wildfowl and Wetlands Centre at Castle Espie. **(AQW 4686/11)**

Minister of Enterprise, Trade and Investment: The Department of Enterprise Trade and Investment has provided investment totalling £314,204 towards the redevelopment of the Wildfowl and Wetlands Centre at Castle Espie.

Broadband Speed in Lagan Valley

Mr J Craig asked the Minister of Enterprise, Trade and Investment how much has been spent on upgrading the broadband speed in the Lagan Valley constituency since May 2007. **(AQW 4763/11)**

Minister of Enterprise, Trade and Investment: Over the period 2007/08 to 2010/11 my Department has invested some £32.5m to deliver improvements in the internal and international connectivity of the telecommunications infrastructure across all of Northern Ireland enabling the delivery of broadband services, via various technologies, with speeds ranging between 512 kilobits per second and 100 megabits per second. Unfortunately, due to the nature of these investments, it is not possible to break figures down into constituency areas.

Home Loan Management Call Centre

Ms M Anderson asked the Minister of Enterprise, Trade and Investment what measures are in place to assist the Home Loan Management call centre in Derry in accessing new contracts, following a number of redundancies on 1 March 2011. **(AQW 4991/11)**

Minister of Enterprise, Trade and Investment: As Enterprise Minister, I am keenly aware of the importance of Homeloan Management Limited (HML's) investment to the Northern Ireland economy and can assure you that every effort is being made to minimize the impact of the redundancies announced by the company. As you are aware HML is a wholly owned subsidiary of Skipton Building Society (SBS) and part of the extensive SBS Group.

In regards to what measures are in place to assist HML, I can confirm that officials in Invest NI continue to work closely with the company to assist them in as many ways as possible to help win new contracts. In October 2010 I met with HML's Chief Executive to discuss their future strategy and the challenges the company face in accessing new contracts in extremely difficult trading conditions.

During this meeting I reiterated the continued support of both the Department and Invest NI in helping HML sustain and grow their investment in Northern Ireland. Over the last number of months, Invest NI has facilitated a series of introductory meetings to key influencers and potential clients in Dublin. In addition, Invest NI has provided financial support for bespoke in-market research and expert consultancy support which has helped HML identify new business opportunities in the Republic of Ireland.

I can assure you that my Department and Invest NI will continue to work closely with HML. In particular to build on the strong relationships, both locally, and with the top management team in SBS, to

showcase the breadth of skills and capability in the Northern Ireland workforce which will support HML's future growth plans.

Invest NI

Mr B McCrea asked the Minister of Enterprise, Trade and Investment for her assessment of Invest NI's current commitments of financial support and its offers of financial support which have not yet been accepted in this financial year.

(AQO 1140/11)

Minister of Enterprise, Trade and Investment: Invest NI has not been immune from the current budget tightening. For example, over the 2007 CSR period, the Invest NI budget for financial assistance increased by 31%, however, in the 2010 Spending Review period the draft budget is forecast to fall by 28%.

The management of a reducing budget is complicated by the fact that grant support will draw down expenditure over a number of years, with on average only 15% being required in the first year of investment. The rising budget from 2008 to 2011 facilitated an increase in the total value of financial support offered by Invest NI, but has also created budget commitments that must be managed within the reducing annual allocation.

Consequently my assessment is that Invest NI will be under budget pressure during the early part of the next Spending Review period.

Finally, based on the projects under consideration in the current financial year, I am confident that none will be lost due to a lack of available financial assistance.

Strangford: Telecommunications

Miss M McIlveen asked the Minister of Enterprise, Trade and Investment if she is aware of any action being taken by British Telecom to upgrade the telecoms infrastructure in the Strangford constituency.

(AQO 1141/11)

Minister of Enterprise, Trade and Investment: Under my Department's £50m Next Generation Broadband Project BT is upgrading street cabinets across 33 designated areas covering the whole Strangford Constituency. By end January 2011, work in 22 of these areas had been completed. The remaining areas will be completed by May 2011. BT will also complete upgrades to 39 cabinets in the Newtownards exchange area by the end of this month as part of its UK-wide Next Generation Access Programme. In addition, BT has just announced a multi-million pound investment to upgrade a further 783 street cabinets across Northern Ireland, it is estimated that 38 of these cabinets are within the Strangford Constituency.

Presbyterian Mutual Society

Mr T Elliott asked the Minister of Enterprise, Trade and Investment to detail the process by which Presbyterian Mutual Society shareholders and creditors will receive repayments of their savings.

(AQO 1142/11)

Minister of Enterprise, Trade and Investment: Work is currently underway on a significant number of important steps which must be completed before payments can be made. These include, in particular, making the necessary legislation for both the proposed loan and Mutual Access Fund schemes, finalisation of the necessary legal and contractual arrangements for their delivery, the Administrator securing creditors' and members' agreement to the proposals as part of his formal Scheme of Arrangement, and finally, securing EU State Aids approval to the Executive's proposed loan.

Unemployment

Mr C Boylan asked the Minister of Enterprise, Trade and Investment for her assessment of the latest monthly increase in unemployment figures which suggests that Northern Ireland has had the largest

increase of the 12 UK regions, while unemployment in the UK as a whole, over the same period, has fallen by almost 10%.

(AQO 1143/11)

Minister of Enterprise, Trade and Investment: The claimant count statistics for January show that Northern Ireland has 59,100 claimants, an increase of 1% on the previous month. The UK experienced a smaller increase of 0.2%.

Northern Ireland's claimant count also increased over the year by 6.5% (compared to a fall of 9.7% in the UK), however, the NI unemployment rate is only marginally above the UK (8% compared to 7.9%). Furthermore, the rate remains well below those for the European Union (9.6%) and the Republic of Ireland (13.9%).

It is in this context that there is a need to rebuild and rebalance the local economy. Which is why as part of my draft spending proposals, I intend bringing forward a package of measures which will allocate £19 million to support the promotion of 5,000 jobs in Northern Ireland.

Invest NI: Green New Deal

Mr B Wilson asked the Minister of Enterprise, Trade and Investment what steps Invest NI has taken to assist the delivery of a Green New Deal.

(AQO 1144/11)

Minister of Enterprise, Trade and Investment: I am very supportive of the main aims of the Green New Deal in increasing energy efficiency, helping those who are finding paying for energy difficult and providing the opportunity for job creation. There are, however, a number of important aspects of the Green New Deal proposals which need further consideration.

The Department for Social Development is leading the Executive's response and my department is represented, at a senior level, on the steering group assessing the proposals.

Investment

Mr G Robinson asked the Minister of Enterprise, Trade and Investment for her assessment of the impact of the economic downturn on the level of inward investment.

(AQO 1145/11)

Minister of Enterprise, Trade and Investment: Despite the global economic crisis, I am encouraged by the upturn in interest for investment in Northern Ireland. The pipeline of new Foreign Direct Investment projects looks much more promising than 12 months ago and Invest NI is confident of meeting not only its annual inward investment targets, but also its targets over the three years of the current Programme for Government.

Investors are responding to the value proposition, for example in October 2010, we brought together two dozen Chief Executives from amongst the largest existing U.S. investors in Northern Ireland such as Seagate, Allstate, Caterpillar and Citi, along with senior representatives from key U.S. target companies. The conference was hugely successful and a co-ordinated and strategic follow-up plan was put in place to maximise the opportunities it created.

There have been a number of significant announcements recently from companies such as Citi, Rigney Dolphin, Herbert Smith, Allen and Overly, SQS and Kana. The decisions by these internationally renowned companies to come to Northern Ireland for the first time, or to expand their existing operations here shows the ability of the Northern Ireland proposition to compete globally.

Although the current market for Foreign Direct Investment is subject to global economic forces, Invest NI remains encouraged by its pipeline of projects, particularly within the financial services and business services sectors.

Invest NI: Social Economy

Mr P Doherty asked the Minister of Enterprise, Trade and Investment how many social economy projects Invest NI has funded in the last five years.

(AQO 1146/11)

Minister of Enterprise, Trade and Investment: Invest NI has funded 176 social economy projects in the last five years through its Social Entrepreneurship Programme. In addition to the financial support offered to these groups to start up, they received, alongside an additional 469 groups, advisory support with their business ideas and business plans.

Invest NI: North Antrim

Mr M Storey asked the Minister of Enterprise, Trade and Investment how much funding Invest NI has allocated to the North Antrim area over the last five years.

(AQO 1147/11)

Minister of Enterprise, Trade and Investment: The Invest NI funding to the North Antrim Area over the last five financial years is summarised in the table below:

Financial Year	2006/07	2007/08	2008/09	2009/10	2010/11	Grand Total
Invest NI Assistance in North Antrim (£)	2,780,000	2,007,000	2,532,000	3,829,000	4,537,000	15,685,000

Renewable Energy

Mr C McDevitt asked the Minister of Enterprise, Trade and Investment for her assessment of the renewable energy industry.

(AQO 1148/11)

Minister of Enterprise, Trade and Investment: Renewable energy is vital in helping us reduce our carbon emissions in the electricity sector and in contributing towards security of supply. However, it also creates significant opportunities for local companies in terms of supplier chain development as evidenced by Harland and Wolff's contract with Siemens to manufacture the substations for an offshore wind farm in Wales. I am also greatly encouraged that Northern Ireland can become an important investment location for the renewables industry as demonstrated by the recent DONG Energy announcement at Belfast Harbour.

Investment: South Antrim

Mr M McLaughlin asked the Minister of Enterprise, Trade and Investment how many site visits by prospective Invest NI clients have taken place in the South Antrim constituency in the last 12 months.

(AQO 1149/11)

Minister of Enterprise, Trade and Investment: In the last full financial year (1st April 2009 – 31st March 2010), Invest NI facilitated 4 potential inward investor visits to the South Antrim Constituency, with 2 further visits facilitated to date in this financial year. In addition Invest NI also facilitated 1 site visit by an indigenous non Invest NI client to the South Antrim Constituency.

Invest NI remains in contact with the visitors in order to pursue any investment opportunities. However, we are conscious of the impact of the current economic conditions on investment decisions. Furthermore, securing an inward investment project is the end point of an extensive process which may span a considerable period (18 to 24 months) and involve a number of visits to Northern Ireland.

Invest NI's role is to promote Northern Ireland as an attractive and viable location for new inward investment opportunities. Whilst Invest NI makes its best efforts to ensure a spread of investment across the region its role is to promote Northern Ireland as an entity. Ultimately, the final location decision rests with the investor. If the investor seeks information on specific areas within Northern Ireland then Invest NI will work with the local stakeholders to best promote the area.

Between 2002-03 and 2009-10, 76% of Invest NI assistance in the South Antrim constituency related to locally-owned businesses, helping them to set up or expand their operations or to undertake business innovation projects. During this time, Invest NI support to locally-owned South Antrim companies amounted to £39.6 million, generating total investment in the constituency of £213 million. In the last year, Invest NI has supported significant projects in the constituency by companies such as Mivan, the Camden Group, Fortress Diagnostics and Schrader.

Department of the Environment

Cyclists (Protective Headgear) Bill

Mr B Wilson asked the Minister of the Environment to provide an estimate of the costs that are likely to be incurred by his Department if the Cyclists (Protective Headgear) Bill is implemented.

(AQW 4512/11)

Minister of the Environment (Mr E Poots): The Private Members' Cyclists (Protective Headgear) Bill was introduced to the Assembly on 13 December 2010 and is now at Committee Stage. If implemented as currently drafted, the Bill requires expenditure by my Department in two main areas. These are (1) funding the establishment and running of an adjudicators appeal system and (2) funding a campaign to further promote the use of cycle helmets and to raise awareness of the provisions of the Bill.

I have not received an estimate of the costs from the sponsor of the Bill. Nor has my Department produced such an estimate at this early stage. However, I do expect the cost to be significant.

The costs of the adjudication process will include accommodation, administration and staff costs, as well as adjudicator remuneration. The public awareness campaign will involve planning and funding a campaign over a three year period, the cost of which will be determined by the forms of advertising media required to deliver an effective advertising campaign at that time.

Article 40 of the Planning (Northern Ireland) Order 1991

Mr D Kinahan asked the Minister of the Environment, for each of the last four years, to list (i) each instance where a developer has entered into a planning agreement as outlined in Article 40 of the Planning (Northern Ireland) Order 1991; and (ii) what was required of the developer in each case.

(AQW 4541/11)

Minister of the Environment:

- (i) In each of the last 4 years, the details of each instance where a developer has entered into a planning agreement as outlined in Article 40 of the Planning (Northern Ireland) Order 1991 is detailed below in Annex A. The period covered runs from 2007-2011 and records a total of 40 applications. This information is based on records extracted from a live data base.
- (ii) The database records the date, address and planning reference only. In order to provide details of what was required of the developer in each case would require a manual search of each of these 40 application files. This manual search could not be carried out in the timescale available. However, a manual search of five of the applications provides an indication of the requirements of the developer under these Agreements. These requirements are detailed below in Annex B.

ANNEX A

Article 40 Planning Agreements		
Date	Address	Ref Number
2007		
22/02/2007	51 Seacoast Road, Limavady	B/2002/0591/O
08/05/2007	20 Ballybogey Road, Ballymoney	D/2001/0152/F
21/05/2007	20b Mountstewart Road, Greyabbey	X/2006/0492/F
20/06/2007	53 Quarterlands Road, Killinchy	R/2005/1423/F
31/07/2007	The Castle off Harbour Road, Ballintoy	E/2004/0055/O
04/09/2007	To the rear of 105 Edenticullon Road, Hillsborough	S/2004/1136/F
31/05/2007	Sandy Bay Marina, 7A Shore Road, Ballinderry	S/2002/1123/O
26/04/2007	87-89 Ballinlea Road, Ballycastle	E/2002/0115/O
26/04/2007	99 Whitepark Road, Ballintoy	E/2003/0218
26/04/2007	29 Clooney Road, Tobermore	
26/02/2007	St Anne's Cathedral, Belfast	H/2002/0846
01/10/2007	Lands Adjacent to 49 Loughries Road, Newtownards	X/2005/0349/F
25/10/2007	Derelict buildings at junction of Shore Road Ardglass	R/2005/0579/F
21/11/2007	47 Portna Road, Kilrea	H/2005/0614/F
18/12/2007	Gorteade Road, Upperlands	H/2006/0198/F
18/12/2007	129 Newbridge Road, Ballymoney	D/2006/0462/F
2008		
21/03/2008	Victoria Square Regeneration Project, Belfast	Z/2005/1536/F
29/04/2008	17 Hillhead Road, Glenavy	S/2006/1235/F
01/05/2008	35m SOUTH West of no. 3 Quintin Bay Road Portaferry	X/2004/1217/F
14/05/2008	Clare Park, Clare Road, Ballycastle	E/2004/0433/F
09/07/2008	225m North West of Tullyougher Quarry, Carnlough	F/2004/0502/F

Article 40 Planning Agreements		
Date	Address	Ref Number
11/09/2008	Lands to the rear of no 141 Moneysharvin Road, Maghera	H/2007/0489/F
06/10/2008	Land 140m North East of 160 Moss Road Kilkeel	X/2007/0489/F
06/11/2008	Aghaleague, Drummacalara and Drumkeen Ederney	L/2003/2002/O
08/12/2008	Victoria Bridge Strabane	J/06/0773 & 0881
13/10/2008	Belfast City Hospital	Z/2005/1585/F
21/11/2008	Dundela Football Club	Z/2004/0133/O
24/10/2008	Wilgar Park, Wilgar Street , Belfast	Z/2004/0133/O
12/12/2008	H25 Lands at Drumahow , Londonderry	A/2001/0165/O
2009		
18/03/2009	Finnebrogue estate, Downpatrick	R/2006/0814/F
22/05/2009	Adjacent to 11 Wateresk Road, Dundrum	R/2006/0698/F
12/08/2009	125 Lisburn Road, Ballynahinch	S/2007/0040/F
12/08/2009	31 Magherafelt Road, Moneymore	I/2004/0918/O
17/08/2009	151 Glenravel Road, Ballymena	G/2005/1457/F
24/08/2009	Amendment to Clare Park, Clare Road, Ballycastle	E/2004/0433/F
02/06/2009	H1B/C lands, Galliagh, Londonderry	A/2004/0071/O
09/10/2009	QUB Playing Fields, Dub lane, Belfast	Z/2007/2061
08/12/2009	Gasworks Ormeau Road, Belfast	Z/2005/0606
2010		
19/03/2010	Lands to rear of 21-41 Belfast Road, Newtownards	X/2003/1142/O
18/05/2010	Housing site north and west of Beeches, Drumahoe	A/2004/0165/O
2011		
N/A	N/A	N/A

ANNEX B

Requirements of the developer under Article 40 Agreements taken from a sample of 5 applications.

- Planning Ref. S/2007/0040/F: Ensure that accommodation will be used for holiday letting purposes only and not as a permanent place of residence
- Planning Ref. I/2004/0918/O: Ensure the permanent cessation of all mining operation or the winning and working of minerals carried out at the quarry and compliance with the requirements of the restoration conditions attached to a previous planning approval
- Planning Ref. Z/2007/2061: Ensure that the profits from the sale of housing land are used to finance the improvement works to the sports facilities within 2 years of the final completion of the sale of the housing land
- Planning Ref. Z/2005/0606: Control the use of parking spaces to deter long commuter car parking and to include restrictions on the leasing of contract spaces
- Planning Ref. X/2003/1142/O: Provide long term maintenance of the Flood Compensation Scheme to avoid its failure and prevent flooding on the housing site and to surrounding area

Ballymagorry Waste Water Treatment Works

Mr A Bresland asked the Minister of the Environment, pursuant to AQW 3997/11, to detail how the decision to approve planning application J/2006/0942F, for 49 houses, half of which are built and occupied, was agreed on 3 October 2006, given that Ballymagorry Waste Water Treatment Works is operating at full capacity.

(AQW 4545/11)

Minister of the Environment: Planning permission was granted in November 2007 because at that time there was a scheme in the Capital Works Programme to upgrade the Waste Water Treatment Works, due for completion by 2011. An informative was attached to the decision notice which advised the applicant that: - waste water treatment and/or sewerage system capacity is not available for the proposed development. A scheme exists on the Capital Works Programme and is programmed for commencement within the next 2 to 3 years and for completion within the next 4 years. The developer may consider an agreed phased construction programme in agreement with Northern Ireland Water and/or temporary treatment in agreement with the relevant statutory agencies.

My officials understand that consent has been granted for 27 dwellings to connect to the sewerage system in a phased approach (Phase 1). A separate application for a further 22 dwellings is pending (Phase 2).

Banbridge/Newry Area Plan

Mr P J Bradley asked the Minister of the Environment why the term 'prematurity to the release of the Banbridge/Newry Area Plan' continues to be used by the Planning Service as a reason to refuse an application, given that the publication of the Plan is over 12 years behind schedule.

(AQW 4547/11)

Minister of the Environment: Where a Plan is under preparation or review it may be justifiable in some circumstances to refuse planning permission on the grounds of prematurity in order to safeguard the integrity of the development plan process. Guidance in relation to the circumstances in which refusal is justified is set out in the Joint Ministerial Statement (JMS) dated 31 January 2005.

The Banbridge/Newry & Mourne Area Plan has reached an advanced stage of preparation. The Planning Appeals Commission (PAC) has concluded the oral hearings into objections to the draft Plan and the Commissioners are currently considering the information presented before completing their report and making their recommendations to the Department. Until the Department has adopted the plan, following receipt of and consideration of the PAC report, the consideration of the issue of prematurity remains an essential element in the determination of planning applications.

Improvement, Collaboration and Efficiency Programme

Mr P Weir asked the Minister of the Environment to detail the total earmarked in the draft Budget for the Improvement, Collaboration and Efficiency Programme in each of the next four years.

(AQW 4597/11)

Minister of the Environment: No funding has been earmarked in the draft budget for the Improvement, Efficiency and Collaboration (ICE) programme in each of the next 4 years.

This programme is a local government led initiative to be delivered on a self-financing basis and I am currently waiting on a report outlining the outcome of the sector's work, which is aimed at creating closer collaboration and driving out deliverable improvements and efficiencies across councils.

Area Plan for South Antrim

Mr D Kinahan asked the Minister of the Environment (i) what is the current status of the Area Plan for South Antrim; and (ii) how the Area Plan relates to (a) the Regional Development Strategy; and (b) the production of local development plans by councils.

(AQW 4650/11)

Minister of the Environment: The extant Area plan coverage for the proposed new council grouping of South Antrim, which comprises Antrim and Newtownabbey Borough Council Areas, is contained within the Antrim Area Plan 2001, adopted in June 1989 and the draft Newtownabbey Area Plan 2005 published in March 1993. Whilst both plans have passed their notional end dates they remain a material consideration to be taken into account in determining planning applications.

Both of these Plans pre-date the Regional Development Strategy for Northern Ireland 2025 (RDS) which was published in 2001, DRD are currently carrying out a 10 year review. Under the Planning (Northern Ireland) Order 1991 (as amended) Area Plans adopted since 2003 must be in 'general conformity' with the RDS.

Antrim, Ballymena and Larne Area Plan 2016 commenced in 2001 and in May 2002 an Issues Paper was published for consultation. In anticipation of the transfer of planning functions to councils I announced in July 2009 that work on this plan and other area plans which had not reached draft plan stage, would cease.

Newtownabbey is one of the 6 Districts contained in the draft Belfast Metropolitan Area Plan (BMAP) which was published in November 2004. Following a Public Inquiry, the Planning Appeals Commission Report into objections to the Plan is expected in March 2011. Upon receipt of the report my Department will consider the Commission's recommendations and prepare the Plan for adoption. It is anticipated that the Plan will be adopted in 2012. BMAP received a Statement of Conformity with the RDS on 17 November 2004.

In line with the proposed transitional provisions of the new planning legislation, responsibility for the completion of work on draft plans prepared by my Department will stay with the Department. Responsibility for the preparation of any new local development plans will, at the time the legislation is commenced, pass to the Councils.

To assist this process, during 2010, I agreed that a number of Pilot preparatory studies would be progressed. In this respect, my Department in association with the Transition Committees worked in collaboration with Antrim and Newtownabbey Borough Councils. The intention was that these studies would inform the local development plans for the new council areas, enabling them, when powers transfer, to bring forward new development Plans within a much shorter timescale.

Driver and Vehicle Agency

Mr P McGlone asked the Minister of the Environment, in relation to the Driver and Vehicle Agency Compliance and Road Transport Enforcement Unit, to detail (i) the current number of staff vacancies;

(ii) how long each vacancy has existed; (iii) how many formal requests have been made (a) within his Department; and (b) to the Civil Service to fill each vacancy.

(AQW 4674/11)

Minister of the Environment: There are 12 vacancies in Driver and Vehicle Agency Compliance and Road Transport Enforcement Unit. The table below provides further details of each vacancy, including the length of time each vacancy has existed.

In all instances the Department takes the lead in filling vacancies with individual business areas issuing a request to Departmental HR through a formal application process. Only one such formal request is required within this Department in respect of each vacancy.

I can confirm that no formal requests have been made to the Civil Service to fill each vacancy.

Grade	No of Posts	Length of Time Vacant at 1 March 2011
HPTO Regional Enforcement Manager	1	5 months
HPTO Enforcement Policy & Strategy	1	4 months
Traffic Examiner (EO2 grades can be considered)	2	1 year, 5 months
Senior Traffic Examiner (The filling of these vacancies is currently on hold pending the outcome of a Grading Review)	2	2 years, 1 month
PTO Enforcement Officer	6	1 year, 5 months
Total	12	

PSV Licence

Mr J O'Dowd asked the Minister of the Environment why a new owner of a vehicle which already has a valid PSV licence has to apply for a new PSV licence, when the licence is valid for a year from the date of issue.

(AQW 4699/11)

Minister of the Environment: The transfer of PSV from one taxi driver to another is swift and straight forward. There is no additional road worthiness test involved and there is no charge. However, it is important that the process is regulated so that the Department can ensure that holders of PSV licences and taxi plates are also licensed taxi drivers and the Department has an accurate record of who is operating each licensed taxi. I have no plans to change the current arrangement.

Illegal Dumping at Ballyloughan Road, Castlewella

Mr B Wilson asked the Minister of the Environment whether the Northern Ireland Environment Agency has received any allegations of illegal dumping at Ballyloughan Road, Castlewella, and to provide details of when the allegations were received and any investigations carried out.

(AQW 4706/11)

Minister of the Environment: NIEA was advised in Autumn 2010 of alleged illegal waste offences at Ballylough Road, Castlewella. As the investigation is still ongoing, I am unable to provide you with further details, as to do so could compromise the integrity of the ongoing investigation or the rights of those under investigation.

Historic Buildings Grant Aid Scheme

Mr K McCarthy asked the Minister of the Environment (i) whether the temporary suspension on new applications for the Historic Buildings Grant-Aid Scheme will be lifted in April 2011; and (ii) whether the Scheme will be reinstated in full.

(AQW 4747/11)

Minister of the Environment: The Department will review the temporary suspension on processing new applications for Grant-Aid to listed historic buildings once its budget for 2011-12 is known.

It is not possible at this stage to state whether or not the suspension will be lifted then and whether or not the scheme will be reinstated in full.

Colin Area of Belfast

Ms J McCann asked the Minister of the Environment to detail what percentage of the overall budget of Lisburn City Council was spent in the Colin area of Belfast, in each of the last four financial years.

(AQW 4754/11)

Minister of the Environment: This information is not held centrally by my department. The budget allocated to a particular ward or area would be a matter for the individual council as they are an independent statutory body.

Drink Drive Offenders Course

Lord Morrow asked the Minister of the Environment to detail (i) the provider of the Drink Drive Offenders course available for convicted drivers in exchange for a reduced disqualification; (ii) the costs that have been incurred in providing this course since its introduction; and (iii) whether the convicted driver pays a fee towards the cost of the course.

(AQW 4765/11)

Minister of the Environment: Courses for drink drive offenders commenced on 1 April 1998 at which time the Probation Board for Northern Ireland (PBNI) was appointed by my Department as sole course organiser, with input provided by partners including the police, Road Safety Education Officers, and either the Campaign Against Drinking and Driving or the Road Trauma Support Group.

The PBNI continued to provide courses until 1 October 2008 when, following a Central Procurement Directorate (DFP) led competition for a new course provider, the TTC Group (Telford Training Consultants) was appointed sole course provider. TTC Group continues to provide courses across Northern Ireland.

There is no direct cost to DOE other than in relation to staff time contributed through participation in the Courses for Drink Drive Offenders Working Group whose role it is to govern course arrangements. The group meet on a quarterly basis. Previously, Road Safety Education Officers contributed time to each course organised by PBNI.

In 2007, PBNI advised my Department that, following reprioritisation of work and continuing funding issues, it wished to withdraw from providing the courses. This coincided with plans for my Department to hold a competition for a new course provider that ultimately led to the appointment of the current provider.

Since the scheme began in April 1998, every convicted drink driver who chose to attend a course has had to pay a course fee. Under the present contract, TTC Group delivers courses on a not-for-profit basis but where costs are fully recovered through course fees paid by each attendee. The current full fee is £155 and the concessionary fee is £110.

Planning Bill

Dr S Farry asked the Minister of the Environment whether clause 103 of the Planning Bill allows for an area of landscape to be designated a conservation area.

(AQW 4832/11)

Minister of the Environment: Yes, but only where the landscape is of special architectural or historic interest and where it is desirable to enhance or preserve its character or appearance.

High Hedges Bill

Mr I McCrea asked the Minister of the Environment whether the High Hedges Bill will deal with hedges blocking neighbouring sight splays.

(AQW 4907/11)

Minister of the Environment: The High Hedges Bill does not deal with hedges blocking neighbouring sight splays as this is already dealt with by the Department for Regional Development, Roads Service, who has powers under Article 50 of the Roads (Northern Ireland) Order 1993, to serve a notice on the owner/occupier, requiring them to remove or cut back the tree or hedge so as to remove the danger or obstruction.

NI Environment Agency

Mr C Lyttle asked the Minister of the Environment why his Department has decided not to carry out a review of the Northern Ireland Environment Agency, as had been agreed by a previous Minister.

(AQO 1162/11)

Minister of the Environment: The then Minister of the Environment, Minister Foster announced in May 2008 that a review of the Northern Ireland Environment Agency would take place in 2011. My predecessor subsequently informed the Assembly in November 2008 that time needed to pass for the work of the Agency to be properly assessed and that the review would not take place in the lifetime of this Assembly. This remains the position.

Local Government Funding

Mr K Robinson asked the Minister of the Environment to provide an estimate of the level of funding his Department will require to enable councils to carry out their workload over the next four years. [R]

(AQO 1163/11)

Minister of the Environment: My Department currently provides funding to councils by way of the:

- a) General Grant;
- b) Emergency Planning grant;
- c) Strategic Waste Infrastructure Funding (SWIF);
- d) Rethink Waste Fund; and
- e) Local Air Quality grant.

The General Grant comprises of two elements, the derating and resources element. My Department is responsible for the resources element of the general grant. As a consequence of the 6% reduction in my Department's budget allocation, as set out in the Executive's draft Budget 2011-15, I have applied this adjustment to the indicative budget available for the Resources element of the General Grant, thereby providing £18.3m of funding in 2011/12.

The Emergency Planning Grant has been reduced from £600k to £400k reflecting the reduced costs required to fund emergency planning officers in councils.

In respect of the Strategic Waste Infrastructure Fund, I can confirm that over the four budget years, £2.3 million will be allocated to assist each of the Waste Management groups to bring their projects to financial close.

Furthermore, £9.3 million will be allocated to the Rethink Waste Fund which will provide funding to councils for initiatives which will boost waste recycling and reuse.

Finally, £1.05 million per annum has been made available to councils since 2001 in respect of the Local Air Quality Grant, not all of which has been taken up year on year. I can therefore confirm that the Grant will be reduced over the next four years as proposed in the recent budget consultation.

Waste Management Consultations

Mr S Anderson asked the Minister of the Environment how much the three waste management groups have spent on consultations over the last five years.

(AQO 1164/11)

Minister of the Environment: Most Waste Management Group expenditure on consultations in the period between April 2005 and March 2010 arose in relation to their legislative obligation to consult on behalf of their district councils on the revised Waste Management Plans that they published in 2006.

The three Waste Management Groups advise that their overall spend on consultations during this period amounted to £92,041.

Department of Finance and Personnel

Trade Union Posts

Mr P Weir asked the Minister of Finance and Personnel to list any Trade Union posts that receive funding from the public purse.

(AQW 4297/11)

Minister of Finance and Personnel (Mr S Wilson): DFP has 4 Trade Union posts that receive funding from the public purse:

1 x NIPSA Departmental Secretary

2 x NIPSA Assistant Departmental Secretaries

1 x Administrative Support in NIPSA Office.

Rating on Vacant Properties

Mr P McGlone asked the Minister of Finance and Personnel to outline the criteria being used by Land and Property Services to determine which vacant properties are rateable, including the criteria used to determine the standard of the structure and habitability of the property.

(AQW 4610/11)

Minister of Finance and Personnel: A vacant or unoccupied domestic property is not rateable under legislation currently in force. The one exception to this is where rental property is subject to a payment agreement; in that case rates are payable whether the property is occupied or not.

The general position will change once the rating of empty homes is introduced on 1st October 2011. From that date Land & Property Services will administer the provisions recently set out in the new statutory regulations. For all vacant houses which already have entries in the valuation list, liability for vacant rating will commence on 1st October, unless a qualifying exclusion applies. As new properties become ready to value after that date they will be entered in the valuation list in line with the statutory regulations.

The criteria which will determine whether a vacant house is rateable after 1st October, can be summarised as follows:

- (i) for houses with an existing entry in the valuation list the presumption will be that they are capable of beneficial occupation and therefore rateable; and
- (ii) new houses will require a Completion Notice to be served on the owner and this notice will specify a date of up to 3 months ahead from which liability to rates will begin.

In each case ratepayers can mount a challenge if they believe that the assumptions made by Land & Property Services are unreasonable.

Draft Budget 2011-15 Consultation

Ms M Ritchie asked the Minister of Finance and Personnel (i) to outline the (a) number; and (b) nature of the responses he has received to the draft Budget 2011-15 consultation; and (ii) whether he will publish these responses.

(AQW 4721/11)

Minister of Finance and Personnel: The draft Budget public consultation has received 5,695 responses via the Budget website. In addition, my office has received a further 1,335 responses.

The majority of the responses relate to Arts (5,451) and Health (1,394) funding.

My officials are working through the responses received and have published consultation responses and names of those who responded on the Budget website. Some individuals and organisations have requested that their details are not released and I will of course respect their wishes on this.

In addition, individual departments will have received further consultation responses and it will be for them to decide on the publication of the respondents details. A summary of all the consultation information will be used to inform the revised Budget process, and will be published after the Executive has considered its findings.

Deaths by Suicide

Mr P Weir asked the Minister of Finance and Personnel how many people have died by suicide in each constituency in each of the last five years.

(AQW 4748/11)

Minister of Finance and Personnel: The table attached gives the number of deaths registered due to either 'suicide and self-inflicted injury'¹ or 'undetermined injury whether accidentally or purposefully inflicted'² by Assembly Area that the deceased was resident in for each year between 2005 and 2009.

1 International Classification of Diseases, Tenth Revision codes X60-X84, Y87.0

2 International Classification of Diseases, Tenth Revision codes Y10-Y34, Y87.2

TABLE 1: NUMBER OF REGISTERED DEATHS DUE TO 'SUICIDE AND SELF-INFLICTED INJURY' AND 'UNDETERMINED INJURY WHETHER ACCIDENTALLY OR PURPOSEFULLY INFLICTED' BY ASSEMBLY AREA OF THE DECEASED, 2005-2009.

Assembly Area	Registration Year ³				
	2005	2006	2007	2008	2009
Belfast East	9	9	14	10	11
Belfast North	16	24	20	25	23
Belfast South	15	16	13	14	12
Belfast West	11	22	22	29	26

Assembly Area	Registration Year ³				
	2005	2006	2007	2008	2009
East Antrim	8	12	14	12	10
East Londonderry	4	11	11	14	15
Fermanagh and South Tyrone	19	16	18	12	19
Foyle	12	28	14	20	18
Lagan Valley	15	14	4	10	8
Mid Ulster	20	20	12	15	14
Newry and Armagh	15	17	19	31	18
North Antrim	9	17	8	10	12
North Down	7	4	8	10	9
South Antrim	12	14	9	11	12
South Down	14	20	13	16	6
Strangford	11	11	10	7	13
Upper Bann	10	12	18	15	16
West Tyrone	6	23	15	21	17
Unknown	-	1	-	-	1
Northern Ireland	213	291	242	282	260

- 3 Mortality data is based on the year of registration of the death rather than the year of occurrence. Events such as suicide are likely to be referred to the coroner. This process can take some time therefore a significant number of these deaths recorded may have occurred prior to the registration year.

Rates Bills

Mr G Campbell asked the Minister of Finance and Personnel what research has been carried out to establish how many lone pensioner households are currently not availing of the 20 per cent discount off their rates bill.

(AQW 4759/11)

Minister of Finance and Personnel: Land & Property Services uses information from the Family Resource Survey to estimate Lone Pensioner Allowance uptake rates. Survey information from the Northern Ireland Statistics and Research Agency (NISRA) indicates that there are approximately 41,000 owner-occupiers aged 70 or over living alone. 15,000 of these potential claimants are in receipt of full Housing Benefit and/or Rate Relief and therefore have no reason to claim Lone Pensioner Allowance. Of the remaining 26,000 potential applicants, LPS administers Lone Pensioner Allowance to just over 20,000 claimants. Based on these figures, LPS considers that the uptake level of Lone Pensioner Allowance is high, at around 77 per cent.

LPS continues with a range of activities to encourage ratepayers eligible for benefits and reliefs, to claim them. This work is supported by recently-implemented data sharing powers.

Investigation into Families Acting for Innocent Relatives

Mr D Bradley asked the Minister of Finance and Personnel, pursuant to AQW 2249/11, (i) for an update on the Special European Union Programmes Body's investigation into Families Acting for Innocent

Relatives (FAIR) in respect of (a) the failure to adhere to conditions associated with its funding set out in the original letters of offer; and (b) other irregularities; (ii) for his assessment of the implications for FAIR of the revocation of the letters of offer that were previously issued to the organisation; and (iii) whether any of these matters have been, or will be, referred to the PSNI.

(AQW 4808/11)

Minister of Finance and Personnel: The Special EU Programmes Body (SEUPB) has referred an audit report on FAIR's PEACE III funded projects to the PSNI. The PSNI is currently conducting an investigation. No further comment can be provided until the investigation is completed.

Suicide Prevention

Ms S Ramsey asked the Minister of Finance and Personnel to outline where suicide prevention sits within his Department's Programme for Government targets.

(AQW 4824/11)

Minister of Finance and Personnel: My Department has no targets in relation to suicide prevention.

However, the Department is aware that suicide prevalence is a societal rather than solely a health issue, and supports the cross-departmental actions in the Protect Life Strategy Action Plan and the work of the Ministerial Co-ordination Group for Suicide Prevention comprising representatives from DHSSPS, DE, OFMdfM, DRD, DEL and DCAL.

Budget 2011-15

Mr P Butler asked the Minister of Finance and Personnel whether any additional funding is likely to be allocated to Departments when the Budget 2011-15 is finalised; and if so, for an estimate of the likely additional allocation to each Department.

(AQW 4868/11)

Minister of Finance and Personnel: Ministers are currently working through the Budget Review Group (BRG) to identify all possible new sources of revenue that might be allocated to departments as part of the Final Budget determination.

However it is critically important that all revenue sources are deliverable. It would be misleading and counterproductive to allocate additional resources to departments that were not actually within the gift of the Executive to deploy.

Transfer from Capital to Revenue Expenditure

Mr D McNarry asked the Minister of Finance and Personnel whether he is aware of the proposals from the Minister of Education to transfer £41m from capital to revenue expenditure; and whether this is allowed by his Department and compatible with the practice and desires of Her Majesty's Treasury.

(AQW 4876/11)

Minister of Finance and Personnel: I am aware of the proposals from the Minister of Education to transfer from capital to revenue expenditure in 2011-12. The scope to transfer funding from capital to current within the Northern Ireland block is limited to the amount of funding which has been reclassified in the opposite direction. Other Ministers have made proposals and any decision on amounts to reclassify is for the Executive to make in finalising the budget.

Draft Budget 2011-15

Mr G Savage asked the Minister of Finance and Personnel for his assessment of the impact of the draft Budget 2011-15 on voluntary organisations that rely on funding from Government Departments.

(AQW 4914/11)

Minister of Finance and Personnel: There are a wide range of voluntary organisations working across the public sector in Northern Ireland that rely, to varying degrees, on financial support from Executive Departments.

The degree to which the draft Budget allocations will impact upon these organisations will depend largely on the decisions taken by individual ministers to prioritise funding within individual departmental boundaries.

I would hope that ministers will safeguard allocations to those voluntary organisations that are delivering and assisting in the delivery of critical front-line public services.

Department of Health, Social Services and Public Safety

Press Offices

Mr A Easton asked the Minister of Health, Social Services and Public Safety to outline the annual running costs, for the latest available year, of the press offices in (i) his Department; (ii) the Regional Health and Social Care Board; (iii) each Health and Social Care Trust; and how many staff are employed at each location.

(AQW 1344/11)

Minister of Health, Social Services and Public Safety (Mr M McGimpsey): Not all organisations have dedicated press offices; rather they may have communications staff whose role includes press office type functions. The costs associated with, and the number of staff employed in these type of roles, are shown in the table below.

	2009/10 £'000	Numbers of Staff (WTE)
DHSSPS	278	8
HSC Board	339	7.21
Belfast HSC Trust	127	3.46
Northern HSC Trust	92	2.0
South Eastern HSC Trust	90	2.0
Southern HSC Trust	105	3.0
Western HSC Trust	110	3.0
Northern Ireland Ambulance Service	13	0.25

Locum Doctors

Mr A Easton asked the Minister of Health, Social Services and Public Safety how much was spent in each Health and Social Care Trust area on locum doctors in (i) 2006/07; (ii) 2007/08; and (iii) 2008/2009.

(AQW 2701/11)

Minister of Health, Social Services and Public Safety: The cost of locum doctors is set out in the table below. Information prior to 1 April 2007 relates to legacy Trusts and could only be provided at disproportionate cost.

HSC Trust	2008/09 £m	2007/08 £m
Belfast HSC Trust	7.4	6.5
Northern HSC Trust	7.6	4.7
South Eastern HSC Trust	2.4	1.4
Western HSC Trust	5.2	4.7
Southern HSC Trust	4.7	2.9
Total	27.3	20.2

Locum doctors are professionally-qualified, medical practitioners used in each Health and Social Care Trust on a temporary basis to ensure continuity of care for the patient.

Staff Nurse Salaries

Mr J Craig asked the Minister of Health, Social Services and Public Safety what the average salary of a staff nurse is per annum; and to detail the pay grades applicable to all nursing staff employed in the Health Service.

(AQW 2766/11)

Minister of Health, Social Services and Public Safety: Under the Agenda for Change pay arrangements a newly qualified nurse is paid at pay Band 5. The starting salary point on the Agenda for Change pay Band 5 is £18,152. The average basic pay for all Band 5 nurses in the Health and Social Care is £25,729.

Pay grades for all qualified nursing staff range from Agenda for Change pay Band 5 to pay Band 8C. Details of the basic salary applicable to these grades can be found at www.nhsemployers.org.

Fractures Due to Bad Weather

Mr J Craig asked the Minister of Health, Social Services and Public Safety how much it has cost the Health Service to treat and care for patients who have suffered fractures due to bad weather in each of the last three financial years.

(AQW 2780/11)

Minister of Health, Social Services and Public Safety: A&E, outpatient, primary care, community and personal social services may be provided to patients suffering fractures as the result of bad weather.

As such, it is not possible to provide the total cost of treating and caring for patients who have suffered fractures due to bad weather.

Staff Salaries

Mr J Craig asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 2281/11, to detail the positions held by staff within the Patient and Client Council who earn (i) between £50,000 and £100,000 per annum; and (ii) in excess of £100,000 per annum.

(AQW 2871/11)

Minister of Health, Social Services and Public Safety: In the Patient and Client Council; (i) The Chief Executive earns between £50,000 and £100,000. (ii) No staff member earns over £100,000.

Staff Salaries

Mr J Craig asked Minister of Health, Social Services and Public Safety, pursuant to AQW 2281/11, to detail the positions held by staff within the Northern Ireland Blood Transfusion Service who earn (i) between £50,000 and £100,000 per annum; and (ii) in excess of £100,000 per annum.
(AQW 2872/11)

Minister of Health, Social Services and Public Safety: In the Northern Ireland Blood Transfusion Service; (i) there is 1 Medical Consultant, 1 Specialty Doctor and 3 Administrative Managers earning between £50,000 and £100,000; (ii) 1 Medical Consultant earns over £100,000.

Staff Salaries

Mr J Craig asked Minister of Health, Social Services and Public Safety, pursuant to AQW 2281/11, to detail the positions held by staff within the Northern Ireland Guardian Ad Litem Agency who earn (i) between £50,000 and £100,000 per annum; and (ii) in excess of £100,000 per annum.
(AQW 2925/11)

Minister of Health, Social Services and Public Safety: In the Northern Ireland Guardian Ad Litem Agency; (i) the Chief Executive, 1 Manager and 3 Social Services staff earn between £50,000 and £100,000; (ii) No staff member earns over £100,000.

Staff Salaries

Mr J Craig asked Minister of Health, Social Services and Public Safety, pursuant to AQW 2281/11, to detail the positions held by staff within the Northern Ireland Fire and Rescue Service who earn (i) between £50,000 and £100,000 per annum; and (ii) in excess of £100,000 per annum.
(AQW 2927/11)

Minister of Health, Social Services and Public Safety: A total of 60 staff in the Northern Ireland Fire and Rescue Service earn between £50,000 and £100,000. The positions are outlined in the table below.

Position	No. of Staff
Station Commander	3
Assistant Group Commander	27
Group Commander	18
Area Commander	6
Assistant Chief Fire Officer	2
Deputy Chief Fire Officer	1
Director	3

The Chief Fire Officer earns in excess of £100,000.

Staff Salaries

Mr J Craig asked Minister of Health, Social Services and Public Safety, pursuant to AQW 2281/11, to detail the positions held by staff within the Northern Ireland Practice and Education Council for Nursing and Midwifery who earn (i) between £50,000 and £100,000 per annum; and (ii) in excess of £100,000 per annum.
(AQW 3026/11)

Minister of Health, Social Services and Public Safety: In the Northern Ireland Practice and Educational Council for Nursing and Midwifery (i) the Chief Executive, 4 Nursing & Midwifery staff and 1 Manager earns between £50,000 and £100,000; and (ii) no staff member earns over £100,000.

Staff Salaries

Mr J Craig asked inister of Health, Social Services and Public Safety, pursuant to AQW 2281/11, to detail the positions held by staff within the Regulation and Quality Improvement Authority who earn (i) between £50,000 and £100,000 per annum; and (ii) in excess of £100,000 per annum.

(AQW 3027/11)

Minister of Health, Social Services and Public Safety: In the Regulation and Quality Improvement Authority; (i) the Chief Executive, 1 Director, 2 Social Services staff, 2 Nursing staff and 1 Medical staff member earn between £50,000 and £100,000; (ii) 1 Senior Medical staff member earns over £100,000.

Financing Trade Unions

Mr A Easton asked the Minister of Health, Social Services and Public Safety how much his Department has contributed to financing Trade Unions representing staff employed in his Department and its Arms-Length Bodies in each of the last five years.

(AQW 3186/11)

Minister of Health, Social Services and Public Safety: My Department has contributed 100% of the costs in each of the last five years for one full time member of staff as a Trade Unions official to represent staff employed in the DHSSPS. My Department also makes an annual contribution to the costs associated with the running of a central Trade Union Office for the non-medical trade unions. The costs in the each of the last five financial years are as follows: 2009/10 - £71,000, 2008/09 - £45,000, 2007/08 - £24,000, 2006/07 - £32,000 and 2005/06 - £45,000.

Each of my Department's Arms Length Bodies through their Facilities Arrangements meets the cost of "time off" for staff to undertake accredited trade union representation. Details on the level of spending by each ALB for accredited trade union representation is not held centrally by my Department and could only be obtained at a disproportionate cost.

Accident and Emergency Unit at the Antrim Area Hospital

Mr T Clarke asked the Minister of Health, Social Services and Public Safety how many patients waited on trolley beds in the Accident and Emergency Unit at the Antrim Area Hospital on each day between 23 December 2010 and 4 January 2011.

(AQW 3250/11)

Minister of Health, Social Services and Public Safety: The number of people being cared for in A&E in the Antrim Area Hospital, while waiting to be admitted to hospital after a decision was made to admit, on each day between 23 December 2010 and 4 January 2011 is listed in the table below.

Length of time waited has been provided in the answer to help put figures into context, as there will always be a period of time required to arrange a suitable hospital bed following the decision to admit a patient from A&E.

Arrival Date	< 2 hours	>= 2 Hours
23/12/2010	49	13
24/12/2010	42	2
25/12/2010	31	2
26/12/2010	49	11
27/12/2010	44	16
28/12/2010	27	38
29/12/2010	25	51

Arrival Date	< 2 hours	>= 2 Hours
30/12/2010	27	29
31/12/2010	20	40
01/01/2011	30	29
02/01/2011	20	25
03/01/2011	12	37
04/01/2011	20	36

Source: Northern Health & Social Care Trust

Home Start Armagh Outreach Programme

Mr W Irwin asked the Minister of Health, Social Services and Public Safety what plans he has to ensure that the Home-Start Armagh outreach programme receives sufficient funds to allow its services to continue for the foreseeable future.

(AQW 4031/11)

Minister of Health, Social Services and Public Safety: My Department, through the Health and Social Care Board, is currently providing financial support to Home Start Armagh and Dungannon. This funding is delivered through the Southern Health and Social Care Trust and, as I understand it, will continue in 2011/12.

Stroke Patients

Mr P Weir asked the Minister of Health, Social Services and Public Safety, over the last 12 months, what percentage of people who have suffered a stroke were assessed within 90 minutes for suitability for thrombolysis; and how this statistic compares to 2007.

(AQW 4440/11)

Minister of Health, Social Services and Public Safety: Following the approval of NICE guidance on the use of thrombolysis for stroke patients in 2008, Trusts are administering thrombolysis to individual patients within the licensed guidelines.

Arrangements to monitor the timeliness of the administration of thrombolysis have recently been put in place and it is expected that this information will be available within the next month.

Cost of Home Births and Hospital Births

Mr P Weir asked the Minister of Health, Social Services and Public Safety what is the average cost to the Health Service of a (i) home birth; and (ii) hospital birth.

(AQW 4441/11)

Minister of Health, Social Services and Public Safety: The average cost of a home birth is not held centrally and as such is not readily available.

The average cost of a hospital birth in 2008/09 (which is the latest information available) was approximately £2,290.

Fire and Rescue Service Regional Control Centre

Mr I McCrea asked the Minister of Health, Social Services and Public Safety to detail the running costs of the Fire and Rescue Service Regional Control Centre in each of the last five years.

(AQW 4444/11)

Minister of Health, Social Services and Public Safety: The information requested is provided in the table.

NIFRS REGIONAL CONTROL CENTRE: RUNNING COSTS

	2005/6	2006/7	2007/8	2008/9	2009/10
Cost (£000s)	1,732	1,890	1,936	2,098	2,200

Meals on Wheels

Mr R Beggs asked the Minister of Health, Social Services and Public Safety for his assessment of the role played by the Meals on Wheels service in increasing the number of patients being able to remain in their homes rather than in residential care.

(AQW 4457/11)

Minister of Health, Social Services and Public Safety: Last year some 4,678 people, including some of the most vulnerable people in our society, availed of the service and I have no doubt that without this service many of these people, especially those living in more rural areas, might have needed to be admitted to hospital or residential care.

Meals on Wheels services are provided by the Health & Social Care (HSC) Trusts where a needs assessment shows that the person is experiencing a temporary or long term inability to prepare a meal. Meals can be provided directly by the HSC or by the independent sector, either within the person's own home, in the form of a cooked or frozen meal, or in a day care setting.

The Trust will assess the potential risks to a person's safety that preparing a meal would pose, will determine if the person will require assistance with feeding and take into account whether or not there is carer or companion who is willing to provide support around meal provision.

The eligibility criteria for the Meals on Wheels service have remained unchanged over the last three years.

Meals on Wheels

Mr R Beggs asked the Minister of Health, Social Services and Public Safety to outline the eligibility criteria for receiving 'Meals on Wheels' in each Health and Social Care Trust area; and whether the criteria has changed over the last three years.

(AQW 4458/11)

Minister of Health, Social Services and Public Safety: Last year some 4,678 people, including some of the most vulnerable people in our society, availed of the service and I have no doubt that without this service many of these people, especially those living in more rural areas, might have needed to be admitted to hospital or residential care.

Meals on Wheels services are provided by the Health & Social Care (HSC) Trusts where a needs assessment shows that the person is experiencing a temporary or long term inability to prepare a meal. Meals can be provided directly by the HSC or by the independent sector, either within the person's own home, in the form of a cooked or frozen meal, or in a day care setting.

The Trust will assess the potential risks to a person's safety that preparing a meal would pose, will determine if the person will require assistance with feeding and take into account whether or not there is carer or companion who is willing to provide support around meal provision.

The eligibility criteria for the Meals on Wheels service have remained unchanged over the last three years.

Meals on Wheels

Mr R Beggs asked the Minister of Health, Social Services and Public Safety how many new Meals on Wheels clients have been accepted in (i) Carrickfergus; (ii) Larne; (iii) Moyle; and (iv) Newtownabbey, in each of the last three years.

(AQW 4459/11)

Minister of Health, Social Services and Public Safety: The information requested is not available.

Adoption

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety how many children have been put up for adoption in each of the last five years.

(AQW 4487/11)

Minister of Health, Social Services and Public Safety: I would refer the Member to my reply pursuant to AQW 3684/11.

Future Funding of Home Start

Mr S Hamilton asked the Minister of Health, Social Services and Public Safety when he intends to make an announcement on the future funding of Home Start.

(AQW 4488/11)

Minister of Health, Social Services and Public Safety: My Department, through the Health and Social Care Board, is currently providing financial support to locally-based Home Start schemes with the exception of Home Start Ards, Comber and Peninsula. This funding is delivered through the Health and Social Care Trusts and, as I understand it, will continue in 2011/12. I have strongly encouraged the Home Start Ards, Comber and Peninsula scheme to engage direct with the South Eastern Health and Social Care Trust about funding as the Department does not interfere in these matters.

My Department also provides core funding to the Home-Start regional office for central administration costs and there are no current plans to withdraw this funding.

Type 1 Diabetes

Mr P Weir asked the Minister of Health, Social Services and Public Safety how many children of primary school age have Type 1 diabetes.

(AQW 4490/11)

Minister of Health, Social Services and Public Safety: The information requested is not available.

Patients Receiving Medication

Mr K Robinson asked the Minister of Health, Social Services and Public Safety for his assessment of the adequacy of using the Royal Mail's recorded delivery facility to ensure that patients receive their red or amber medication when they require it; and whether there is a back-up system in place to ensure that incidents such as severe weather or security alerts do not prevent patients receiving medication at the required time.

(AQW 4502/11)

Minister of Health, Social Services and Public Safety: Red list drugs are prescribed and supplied through the hospital service and there is a range of dispensing arrangements made in consultation with the relevant specialties. I have been advised by the Trusts that postage of red and amber medications is used when a patient or patient representative cannot collect the medication in person and when other delivery options are limited.

The Trusts are generally aware if postal services are disrupted and during such times, where possible, would delay posting until normal services resume. Alternative arrangements can be made with

individual patients using either Trust transport, collection from other hospitals more local to the patient and in urgent/extreme cases, delivery direct by taxis or Trust contracted couriers.

I have assurances from the Trusts that they will endeavour to maintain communication with patients who will generally be made aware of when supplies are being posted. The arrangements in place also try to avoid the need for immediate delivery and always aim to ensure that supplies are posted before they are required by the patient.

Pharmacy at Whiteabbey Hospital

Mr K Robinson asked the Minister of Health, Social Services and Public Safety what proposals the Health and Social Care Board has presented to him on the potential relocation of the pharmacy at Whiteabbey Hospital; and for his assessment of the impact these proposals would have on (i) the level of care within the hospital; and (ii) out-patients who rely on the dispensing of red and amber level medication from that pharmacy.

(AQW 4506/11)

Minister of Health, Social Services and Public Safety: I have been advised by the Trust that an overall strategic site review of Whiteabbey Hospital has been undertaken as a result of the Acute Services Reform Changes. The dispensing, distribution and collection arrangements for pharmaceutical products at Whiteabbey Hospital have been further reviewed and this review has highlighted areas where there is duplication of activity, services and resources at another site(s) within the Trust.

The proposal currently out for consultation with Trade Unions and potentially affected staff is to streamline all of the Whiteabbey Hospital site dispensing, distribution and collection activities for pharmaceutical products and provide these service elements via Antrim Hospital Pharmacy Department as appropriate. The existing pharmacy top-up service to all wards and departments in Whiteabbey Hospital site will continue to be provided. The proposal is also for the development of enhanced clinical pharmacy input to the remaining two inpatient wards on the Whiteabbey Hospital site, and ultimately to implement a One-Stop Dispensing service for each of these remaining wards. This will facilitate enhanced patient safety and benefits for nursing and medical staff. Future requirements for patients who collect red and amber medicines from Whiteabbey Hospital pharmacy have been assessed and appropriate arrangements have been organised.

Pharmacy at Whiteabbey Hospital

Mr K Robinson asked the Minister of Health, Social Services and Public Safety whether the proposal to relocate the pharmacy at Whiteabbey Hospital to the Antrim Area Hospital has been assessed to ensure that out-patients who attend Whiteabbey Hospital or the Royal Victoria Hospital will continue to have the required access to red and amber level medication; and how patients unable to present themselves at Antrim Area Hospital will acquire their required medication.

(AQW 4507/11)

Minister of Health, Social Services and Public Safety: I have been advised by the Trust that there are two groups of patients who collect red and amber medication from Whiteabbey Hospital pharmacy. The first group are patients treated for multiple sclerosis who attend Royal Victoria Hospital site in the Belfast Trust (74 patients). The second group are patients treated for erectile dysfunction (80 patients). Potential supply mechanisms for both groups of patients have been assessed and patients are being contacted on an ongoing basis to ensure satisfactory arrangements are in place.

The Northern Trust has not been advised of any patients unable to collect medication from Antrim Area Hospital. If this does occur each case will be addressed by the interface pharmacist for specialist medicines to ensure a satisfactory arrangement for the patient.

Pharmacy at Whiteabbey Hospital

Mr K Robinson asked the Minister of Health, Social Services and Public Safety whether the Health and Social Care Board is currently in negotiations with (i) staff; and (ii) Trade Unions regarding the proposal to relocate the Whiteabbey Hospital pharmacy.

(AQW 4508/11)

Minister of Health, Social Services and Public Safety: I have been advised by the Trust that an overall strategic site review of Whiteabbey Hospital has been undertaken as a result of the Acute Services Reform Changes. The dispensing, distribution and collection arrangements for pharmaceutical products at Whiteabbey Hospital have been further reviewed and this review has highlighted areas where there is duplication of activity, services and resources at another site(s) within the Trust.

A proposal for the delivery of comprehensive pharmaceutical services to Whiteabbey Hospital is currently out for consultation with both Trade Unions and potentially affected staff in line with Trust Management of Change Human Resources Framework.

‘Good Management, Good Records’ Consultation Document

Mr C McDevitt asked the Minister of Health, Social Services and Public Safety to detail the cost of producing the ‘Good Management, Good Records’ consultation document which was published in 2004; and for his definition of “protecting front-line services”.

(AQW 4510/11)

Minister of Health, Social Services and Public Safety: The design and printing costs for the production of the “Good Management, Good Records” consultation document in 2004 amounted to £5,550. No other costs are held by the Department.

The ‘front-line’ in health, social care and public safety is a complex concept which comprises a closely integrated team of staff who have direct contact with patients, clients and families, together with other staff who provide a wide range of critical support activities to facilitate that direct contact. Without adequate support services, the quality and effectiveness of the direct contact services would be greatly reduced or impossible to deliver. Examples of essential activities provided in support of direct contact and service provision would include: pathology, imaging, medical/case records management, estates, personnel, finance and ICT.

In this context, protecting front-line services is wider than just protecting those health and social care professionals who have direct contact with patients, clients and families. It means securing adequate funding for all of the critical activities which facilitate that direct contact and which are integral to the effective and efficient running of the entire health, social care and public safety system.

Re-Admitted Patients

Mr W Humphrey asked the Minister of Health, Social Services and Public Safety how many patients who presented to accident and emergency departments in the Belfast Health and Social Care Trust in the last twelve months had to be re-admitted at a later date.

(AQW 4515/11)

Minister of Health, Social Services and Public Safety: It has been clarified by the member that this question refers to the number of unplanned re-attendances at A&E departments in the Belfast HSC Trust in the last twelve months.

Between 1 February 2010 and 31 January 2011, there were a total of 10,693 unplanned reattendances at A&E departments in the Belfast Health and Social Care Trust.

Altnagelvin Hospital Appointments

Ms M Anderson asked the Minister of Health, Social Services and Public Safety (i) for each of the last twelve months, how many appointments at the Altnagelvin Hospital were transferred to the North

West Independent Hospital in Ballykelly because Altnagelvin did not have the capacity to process the appointments; and (ii) what was the average waiting time for the appointments at Ballykelly compared to the waiting times at Altnagelvin.

(AQW 4516/11)

Minister of Health, Social Services and Public Safety:

- (i) Information on the number of patients transferred for outpatient assessment in the Independent Sector is collated on a quarterly basis. The number of patients transferred from Altnagelvin Hospital that subsequently attended a first outpatient appointment at the North West Independent Hospital in Ballykelly, between the quarters ending March 2010 and the quarter ending December 2010 is given in the table below.

Quarter Ending	QE Mar '10	QE Jun '10	QE Sept '10	QE Dec '10
No. of Patients	1140	3	0	242

Source: Western Health and Social Care Trust

- (ii) All patients transferred to the North West Independent Hospital are awaiting an appointment at the Trauma and Orthopaedic specialty. The table below shows the number of patients waiting for a first outpatient appointment at the Trauma and Orthopaedic specialty by length of time waiting (in time bands) at both the North West Independent Hospital and Altnagelvin Hospital at the 11th February 2011.

	Patients waiting for a first T & O Outpatient appointment by weeks waiting ^P					
	0-6	> 6 - 9	> 9 - 13	> 13 - 26	> 26	Total Waiting
No. waiting at North West Independent Hospital	85	30	31	51	11	208
No. waiting at Altnagelvin hospital	574	113	150	276	70	1183

Source: Western Health and Social Care Trust

P Data are currently provisional

The median waiting time for the T & O specialty at both the North West Independent Hospital and Altnagelvin Hospital was '6 – 9' weeks.

Cancer Services Framework

Mr A Easton asked the Minister of Health, Social Services and Public Safety when he will publish his Department's Cancer Services Framework.

(AQW 4536/11)

Minister of Health, Social Services and Public Safety: My Department launched the Service Framework for Cancer Prevention, Treatment and Care on 25 February 2011 for the purpose of implementation planning by HSC Board commissioners. The final phasing of implementation will be known by December 2011.

Nappies in Maternity Wards

Mr B Wilson asked the Minister of Health, Social Services and Public Safety for an estimate of how much his Department has spent on (i) nappies for each hospital maternity ward; and (ii) the disposal of nappies in each maternity ward, in each of the last five years.

(AQW 4548/11)

Minister of Health, Social Services and Public Safety: This information is not held centrally and could only be provided at disproportionate cost.

Appointments to Public Bodies and Arm's-Length Bodies

Mr G Campbell asked the Minister of Health, Social Services and Public Safety to detail the number and names of individuals that have been appointed to (i) public bodies; and (ii) arm's-length bodies since May 2007.

(AQW 4563/11)

Minister of Health, Social Services and Public Safety: In my capacity as Minister for Health, Social Services and Public Safety I have appointed a total of 140 individuals since May 2007;

- i) 140 to public bodies;
- ii) NIL to other arms-length bodies.

Individual names as detailed on Table 1 attached.

TABLE 1

NAMES OF INDIVIDUALS APPOINTED TO DHSSPS PUBLIC BODIES SINCE 8 MAY 2007

1	Dr Richard Adams
2	Cllr Mrs Elizabeth (Beth) Adger
3	Mr Paul David Archer
4	Dr Ronald Atkinson
5	Cllr Tim Attwood
6	Mr Albert Samuel Baird
7	Mrs Hazel Baird
8	Mrs Anne Balmer
9	Cllr David Donaldson Barbour
10	Mr James Barbour
11	Mr Niall Birthistle
12	Mr William Harry Black
13	Mr William Joseph Blake
14	Mrs Roberta Brownlee
15	Ms Geraldine Campbell
16	Cllr Michael Carr
17	Dr Ian Wellington Carson
18	Mr Patrick Carvill
19	Cllr John (Sean) Brendan Clarke

20	Dr William (Ian) Clements
21	Mr Alexander Hall Coleman
22	Mr George Brian Compston
23	Dr Griselda Cooper
24	Dr Paul Brian Coulter
25	Mrs Monica Culbert
26	Mr Patrick Fergus Cullen
27	Mr Jim Currie
28	Ms Geraldine Donaghy
29	Mrs Diane Margaret Drennan
30	Ms Lynda Eagleson
31	Mrs Anna Eggert
32	Ms Isobel Elliott-Knox
33	Mrs Julie Erskine
34	Ms Norma Evans
36	Mrs Judith Eve
37	Mrs Geraldine Fahy
38	Ms Maureen Ferris
39	Mr William Fulton Gillespie
40	Mr Robert Alan Gilmore
41	Miss Francesca Mirianne Graham
42	Mrs Siubhan Grant
43	Mr Gerard Guckian
44	Mr Alan David Hanna
45	Professor Mary Bridget Hanratty
46	Dr Jeremy John Moore Harbison
47	Mrs Margaret Harte
48	Ald George (Arnold) Hatch
49	Mrs Eva (Eleanor) Hayes
50	Mr Glenn Robert Houston
51	Mr Errol Victor Hutchinson
52	Mr John Alexander Kenneth Irvine
53	Mr Gregory George Irwin
54	Dr John Gordon Jenkins
55	Mrs Harriett Elizabeth (Lilian) Jennett

56	Cllr Mervyn Jones
57	Ms Miriam Karp
58	Mr John Keanie
59	Miss Elaine Kelly
60	Dr Greg Kelly
61	Dr Shelia Kelly
62	Mrs Elizabeth Kerr
63	Mr Milton Kerr
64	Mrs Ruth Laird
65	Mrs Catherine (Ruth) Lavery
66	Mr Stephen James Leach
67	Mr Jim Lennon
68	Miss Agnes Philomena Lunny
69	Mrs Lorraine Lindsay
70	Mrs Mary MacDonnell
71	Mr Charles Jonathon Mack
72	Mr Thomas Mahaffy
73	Mr Sean Edward Mahon
74	Mrs Elizabeth Anne Mahood
75	Dr John Marley *
76	Cllr Oliver Patrick Molloy
77	Mr John Edward Mone
78	Prof Treen Carson Michael Morris
79	Dr Connor Mulholland
80	Cllr Patrick (Cathal) Mullagan
81	Mr Harry Murray
82	Mr Patrick Eugene McAteer
83	Mr James McCall
84	Dr May McCann
85	Mrs Hilary Rose McCartan
86	Mr Patrick Anthony McCartan
87	Mr Allen McCartney
88	Mrs Gillian McCaughey
89	Mr Robin McClelland
90	Mrs Sara (Sally) Jane Elizabeth McConnell-Campalani

91	Prof Patrica McCoy
92	Dr Melissa Theresa McCullough
93	Dr Robert Henry (Harry) McGuigan
94	Cllr Sean McGuigan
95	Dr Joe McKee
96	Mr Brendan McKeever
97	Mr Jim McKeever
98	Mr Sean McKeever
99	Mr Colm Cathal McKenna
100	Prof Hugh McKenna
101	Mr Norman McKinley
102	Mrs Christine McLaughlin
103	Mrs Ann McMahon
104	Mrs Florence McMahon
105	Mrs Maire Theresa McMahon
106	Ms Mary McMahon
107	Mr Charles Brain McMurray
108	Mrs Deirdre McNamee
109	Cllr Stephen Nicholl
110	Mrs Mary Theresa O'Boyle
111	Ms Kerry O'Halloran
112	Mrs Sally O'Kane
113	Mrs Winifred Anne (Una) O'Kane
114	Mr Malachy O'Loane
115	Mr Ronnie Orr
116	Miss Angela Paisley
117	Mr Jim Perry
118	Mr Arthur Rainey
119	Prof Lesley Regan
120	Mr Colin Reid
121	Cllr Martin Reilly
122	Ald Mrs Geraldine Ann Rice
123	Mrs Soibhan Rooney
124	Mrs Rena Shepherd
125	Cllr James (Seamus) Ignatius Shields

126	Mr Austin Bernard Douglas Smith
127	CllrMrs Marion Smyth
128	Mrs Mary Janice Smyth
129	Dr Trevor Martin Spratt
130	Mr Alistair Steenson
131	Mr Jim Robert Stewart
132	Prof Robert William Stout
133	Mr Thomas Gerry Strong
134	Mrs Eleanor Taggart
135	Mrs Paula Tally
136	Dr Vinod Tohani
137	Dr William (Robert) Thompson
138	Mrs Eileen Marian Thomson
139	Cllr Trevor James Wilson
140	Ms Kyriakoulla Yiasouma

Waiting List for Disease Modifying Therapy Treatment

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety what the current waiting times are for patients on the waiting list for Disease Modifying Therapy treatment.

(AQW 4600/11)

Minister of Health, Social Services and Public Safety: The waiting times for Disease Modifying Therapy for the treatment of multiple sclerosis (MS) at the 31st December 2010, the most recent quarter for which information is available, is outlined in the table below.

	Length of time waiting for DMT for MS (in weeks)	
	0 – 13	> 13
Number waiting for DMT for MS	28	3

Source: HSC Trusts

Disease Modifying Therapy Treatment

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety how many patients in each Health and Social Care Trust area are currently (i) receiving Disease Modifying Therapy treatment; and (ii) awaiting Disease Modifying Therapy treatment.

(AQW 4601/11)

Minister of Health, Social Services and Public Safety: Information on waiting times for Disease Modifying Therapies for the treatment of multiple sclerosis, together with the number of patients currently receiving these therapies, are collected on the basis of patient residence, specifically the former Health and Social Services Board area of residence.

Information on the number of patients receiving these therapies at the 31st December 2010 is outlined in the table below:

Former HSSB of residence	Number of patients receiving DMT for MS @ 31st Dec 2010
Former Eastern HSSB area	434
Former Northern HSSB area	336
Former Southern HSSB area	224
Former Western HSSB area	177

Source: HSC Trusts

Information on waiting times for these therapies is outlined in the table below:

Former HSSB of residence	Length of time waiting for DMT for MS (in weeks) at 31st December 2010		Total waiting
	0 - 13	> 13	
Former Eastern HSSB area	11	0	11
Former Northern HSSB area	8	0	8
Former Southern HSSB area	3	0	3
Former Western HSSB area	6	3	9

Source: HSC Trusts

Psychiatric Care

Mr B McElduff asked the Minister of Health, Social Services and Public Safety what level of psychiatric care is available in West Tyrone for children under 16 years old.

(AQW 4605/11)

Minister of Health, Social Services and Public Safety: The Western Trust has a dedicated Child and Adolescent Mental Health Service (CAMHS) which provides psychiatric care for children and young people up to the age of 18. The service is consultant led and consists of a multi-disciplinary team of experienced mental health practitioners that includes psychiatry, psychology, nursing and social work staff.

Psychiatric Care

Mr B McElduff asked the Minister of Health, Social Services and Public Safety to detail the level of psychiatric care provision which is available to children aged 16 years old and under who have presented with emergency psychiatric care requirements.

(AQW 4607/11)

Minister of Health, Social Services and Public Safety: Individuals presenting at A&E departments with emergent psychiatric requirements will receive a Psychosocial Assessment as part of triage. If the person has been assessed as high risk then mental health services will undertake an urgent assessment. The follow up process for individuals assessed as high risk is case dependent and will be determined following assessment by mental health services.

Options may include admission to a mental health inpatient unit, allocation to mental health services for further assessment/treatment, sign posting, or referral to GP

Individuals assessed as low risk are referred to mental health services for next day appointment.

National Institute for Health and Clinical Excellence Guidance

Mr M Storey asked the Minister of Health, Social Services and Public Safety to explain the rationale behind setting aside National Institute for Health and Clinical Excellence guidance as outlined in the draft Budget 2011-15.

(AQW 4613/11)

Minister of Health, Social Services and Public Safety: I have not made a final decision regarding setting aside National Institute for Health and Clinical Excellence guidance. My Department's consultation paper on the Draft Budget proposals simply highlights a number of potential implications and that may have to be considered in order to manage future expenditure within the proposed draft budgets.

Based on current proposals, the Department of Health, Social Services and Public Safety faces a shortfall against assessed need of £800 million by 2014/15. This will present significant challenges in order to deliver on the overall objectives for health, social services and public safety and maintain the current level of services.

People Diagnosed with Arthritis

Mr M Storey asked the Minister of Health, Social Services and Public Safety how people diagnosed with arthritis have benefited from his Department's policies in the last four years.

(AQW 4614/11)

Minister of Health, Social Services and Public Safety: My Department's policy has been to provide a wider range of more responsive and accessible services in the community to deliver the support that people with arthritis need to manage their condition. In support of this, I issued for public consultation on 28 February a draft Policy Framework to support people living with long term conditions in Northern Ireland.

My Department has also sought to improve access to specialist drugs for arthritis. Over the past four years more than £15 million has been invested in biologic drugs and the rheumatology infrastructure to support their delivery. The number of patients receiving biologic treatment has more than quadrupled since 2006 to almost 2,000 at January 2011, and waiting times for treatment have reduced from around two years to 9 months currently.

My decision to abolish prescription charges from 1 April 2010 has enabled many people with arthritis to access the prescription medicines they require without having to be concerned about their ability to pay.

Anti-Tumour Necrosis Factor Drugs

Mr M Storey asked the Minister of Health, Social Services and Public Safety how many patients have received Anti-Tumour Necrosis Factor drugs since they were introduced by his Department.

(AQW 4615/11)

Minister of Health, Social Services and Public Safety: This information is not available centrally and could only be obtained at disproportionate cost.

Fire and Rescue Service

Mr J Dallat asked the Minister of Health, Social Services and Public Safety to detail (i) the value of the equipment and materials which have been purchased by the Fire and Rescue Service from Apaseal (NI) Ltd, Newry in the last twelve months; (ii) the tender price of this equipment; and (iii) the equipment's current location.

(AQW 4624/11)

Minister of Health, Social Services and Public Safety: The Northern Ireland Fire and Rescue Service (NIFRS) has purchased equipment and materials to the value of £94,231.10 from Apaseal (NI) Ltd in the last twelve months.

The tender price for this equipment was £89,412.74. The additional £4,818.36 expenditure relates to non-contract items.

The equipment is distributed across several NIFRS facilities, including Transport workshops at NIFRS HQ in Lisburn, Central Fire Station in Belfast, Crescent Link Fire Station in Londonderry and the seven Mobile Transport Workshop vans.

Ballymena Health and Care Centre

Mr D O'Loan asked the Minister of Health, Social Services and Public Safety whether the proposed Ballymena Health and Care Centre is provided for in his Department's spending plan; and when the Centre will be completed.

(AQW 4628/11)

Minister of Health, Social Services and Public Safety: The Northern Health and Social Care Trust has submitted a business case for the development of a new Health and Care Centre in Ballymena which is currently being assessed. Until the business case has been approved and I have confirmation of the available funding to both build and operate the new facility following finalisation of Budget 2010, I cannot confirm the timeframe for the commencement or completion of this project.

Departmental Procedures and Protocols

Mr P Butler asked the Minister of Health, Social Services and Public Safety what procedures and protocols are in place when officials from his Department are giving interviews or speaking to the media.

(AQW 4647/11)

Minister of Health, Social Services and Public Safety: Officials from my Department are able to speak to the media on departmental policy and on issues which relate to their particular professional areas of expertise.

As required by the Departments Order (Northern Ireland) 1999, Section 4, officials act under my direction and control, and hence any statement on behalf of the Department is in my name and subject to my approval as Minister. Officials also must always adhere to the NICS Code of Ethics and hence any statement they make must reflect the principles of integrity, honesty, objectivity and impartiality.

Orthodontist Services

Mr P McGlone asked the Minister of Health, Social Services and Public Safety what is the (i) current waiting time; and (ii) target waiting time for orthodontic surgery after a patient has been seen by a specialist; and what action his Department has taken to reduce this waiting time.

(AQW 4649/11)

Minister of Health, Social Services and Public Safety:

- i) Patients who have received an outpatient assessment with an orthodontic consultant and who subsequently require surgery will receive this surgery within the oral surgery specialty. The number of patients waiting for oral surgery, and the length of time waiting at 30th September 2010, the most recent quarter for which official data are available, is outlined in the table below:-

Patients waiting for admission for oral surgery by weeks waiting at 30th September 2010					
0-6	>6-13	>13-21	>21-26	>26-36	>36
394	153	98	25	13	0

Source: DHSSPS Inpatient Waiting Times Dataset

- ii) Surgery for orthodontic purposes, which is included within the oral surgery specialty, is subject to the 2010/11 Priorities for Action target relating to waiting times for inpatient treatment. This states that by 31st March 2011, the majority of patients should wait no longer than 13 weeks

for inpatient or day case treatment, with no patient waiting longer than 36 weeks. At the 30th September 2011, 136 patients were waiting longer than 13 weeks for oral surgery, 19.9% of the total number waiting within this specialty. No patients were waiting longer than 36 weeks.

Health and Social Care Trusts are continuing to explore opportunities to undertake additional activity to reduce waiting times by March 2011. The Health and Social Care Board monitors performance to ensure the best possible outcomes are achieved by March 2011.

National Institute for Health and Clinical Excellence Guidelines

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety for his assessment of how the Health Service compares to the guidelines issued in February 2004 by the National Institute for Health and Clinical Excellence which recommend that up to three full cycles of IVF or ICSI should be provided on the basis of clinical need.

(AQW 4682/11)

Minister of Health, Social Services and Public Safety: In Northern Ireland, the health service aspires to provide three cycles of fertility treatment as recommended by the National Institute for Health and Clinical Excellence; however, financial constraints currently make this unachievable. The current provision of one publicly funded cycle of treatment is comparable to many other areas of the United Kingdom. In addition, in Northern Ireland, access criteria are wider and allow more people to access the service than in many other regions.

It is hoped that it will be possible to introduce a cycle of frozen embryo transfer in the future; however, this and further expansion of the service will be dependent on funding availability.

Fertility Treatment

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety what steps he intends to take to reduce waiting times for patients seeking fertility treatment.

(AQW 4734/11)

Minister of Health, Social Services and Public Safety: Considerable investment has been made in the fertility service in recent years. In 2009, one-off funding of £800k was allocated to reduce waiting lists. This was followed by additional recurrent funding of £1.5m to ensure that no one waits longer than 12 months for treatment from the time of being placed on the waiting list.

This additional funding will also allow the Belfast Trust to create enough capacity for new patients to be seen within 9 weeks by the end of March 2011, and for review patients to be seen in 3 months by the end of June 2011. This will shorten the overall time from new referral to treatment from approximately 24 to 17 months by the end of March 2012.

Armagh and Dungannon Home Start

Mr W Irwin asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 4031/11, if he can give a commitment that his Department will provide funding specifically for the outreach element of the work of Armagh and Dungannon Home Start.

(AQW 4979/11)

Minister of Health, Social Services and Public Safety: Responsibility for commissioning services at a locality level rests with the Health and Social Care Trusts, and projects should engage direct with them about funding issues. The Department does not interfere in these matters. It is for the Trusts to determine the level of funding that they make to individual groups, based on assessed need, the resources they have available to them and their priorities at that time.

I understand that the Southern Health and Social Care Trust is currently providing financial support to the Armagh and Dungannon Home Start project, which includes the Armagh Outreach scheme, and this funding will continue in 2011/12.

Department of Justice

Electricity

Mr J Spratt asked the Minister of Justice how much his Department and its arms-length bodies have spent on electricity in each of the last three available financial years.

(AQW 4465/11)

Minister of Justice (Mr D Ford): The Department of Justice came into existence on 12th April 2010. Details of electricity expenditure before that date are a matter for the previous department.

Republican Parade in Rosslea

Lord Morrow asked the Minister of Justice (i) whether he intends to hold an inquiry into the collapse of the recent case of three men charged with assaulting three police officers, and other related offences, at an illegal dissident republican parade in Rosslea on 13 April 2009; and (ii) if he will make a statement on this matter.

(AQW 4530/11)

Minister of Justice: The Public Prosecution Service and the judiciary operate independently from Government and do not fall within my Ministerial portfolio. I do not therefore plan to hold an inquiry or make a statement on this matter.

Republican Parade in Rosslea

Lord Morrow asked the Minister of Justice, in relation to the collapse of the recent case of three men charged with assaulting three police officers, and other related offences, at an illegal dissident republican parade in Rosslea on 13 April 2009, to detail the total cost of this case, including (i) judicial and administrative costs; (ii) defence legal aid; and (iii) all other associated costs.

(AQW 4533/11)

Minister of Justice: Some of the costs associated with this case are not yet known – for example the legal aid costs may not be submitted for some months. Not all agencies hold cost information at case level and therefore have provided estimated costs.

The table below sets out the estimated costs associated with the prosecution of this case.

Cost Type	Estimated Cost
PSNI Prosecution	£3,268
PPS Prosecution	£500
Defence (Legal Aid Costs)	£10,755
Court (Judiciary and Staff Costs)	£1,355
Facilities (e.g. Courtroom Accommodation)	£400
Total	£16,278

Legal Aid for Repeat Offenders

Lord Morrow asked the Minister of Justice if he will consider carrying out and publishing an audit of the amount of legal aid paid out for repeat offenders.

(AQW 4537/11)

Minister of Justice: An audit of the amount of legal aid paid out could only be undertaken at disproportionate cost as the Legal Services Commission's records do not allow easy identification of repeat offenders.

It would be possible to obtain information on defendants from the Courts and Tribunals Service's information system. However, it would then be necessary to conduct a manual exercise to match the information on defendants with the payment details in the Commission's system to enable costs to be calculated for individual defendants. Such an exercise would involve checking some 30,000 legal aid certificates annually with each certificate generating between one and three payments to defence team members.

The cost of conducting an audit of this nature would outweigh the benefit that might be gleaned from the audit.

Newbuild for Magilligan Prison

Mr G Campbell asked the Minister of Justice how much has been spent to date on the preparation and presentation, and all other associated costs, of the business case for a new build for Magilligan Prison. (AQW 4546/11)

Minister of Justice: The total costs spent to date on the preparation and presentation, and all other associated costs, of the business case for a new build for Magilligan Prison is £3,785,000.

Prisoner Costs

Ms D Purvis asked the Minister of Justice to detail the total annual cost, to the Departmental Expenditure Limit budget, of a sentenced offender in (i) Maghaberry Prison; (ii) Magilligan Prison; and (iii) Hydebank Wood, in each of the last five years.

(AQW 4561/11)

Minister of Justice: The Northern Ireland Prison Service does not record separate costs for sentenced and remand prisoners and therefore it is not possible to identify the annual cost of a sentenced prisoner in each of the last five years.

However, the table below sets out the average cost per prisoner place for both sentenced and remand prisoners in each of the last five years for each of the three Northern Ireland Prison Service establishments.

AVERAGE COST PER PRISONER PLACE, BY ESTABLISHMENT

	Maghaberry	Magilligan	Hydebank Young Offenders Centre & Females
2005-06	£75,897	£60,809	£69,722
2006-07	£79,381	£61,783	£82,047
2007-08	£77,465	£57,268	£73,731
2008-09	£69,032	£52,891	£74,098
2009-10	£69,032	£52,890	£74,100

The cost per prisoner place is calculated by dividing the operating expenditure for each establishment by the average total available places defined as Certified Normal Accommodation.

Suicides and Attempted Suicides in Prisons

Lord Morrow asked the Minister of Justice to detail the number of (i) suicides; and (ii) attempted suicides recorded in each prison in each of the last five years.

(AQW 4566/11)

Minister of Justice:

- (i) Table A shows the summary of self-inflicted deaths in custody for the period 2006 – 2010, for each establishment. Five cases are still awaiting the cause of death to be established by the Coroner; these cases have been included in the figures in Table A and have been clearly marked. A further two cases in 2009 have been recorded by Maghaberry, although the deaths occurred outside the establishment; one death occurred in hospital following a ligature incident in the prison; and one in a police holding suite following the prisoner being detained by police while on temporary release.

TABLE A RECORDED SELF-INFLICTED DEATHS

Year	Maghaberry	Magilligan	Hydebank wood
2006		1	
2007	1		
2008	2*		
2009	1* 2**	1*	
2010			1*

* Cause of death not yet established by Coroner

** Death occurred outside of prison, but recorded by last known establishment.

- (ii) Table B shows the number of attempted suicides recorded in each prison in each of the last five years. The overall increase between 2009 and 2010 (+54) is indicative of improved reporting and recording facilities which were introduced in January 2010 using the Prisoner Record Information Systems Management (PRISM).

TABLE B RECORDED ATTEMPTED SUICIDES

Year	Maghaberry	Magilligan	Hydebank Wood (Female)	Hydebank Wood (Male)
2006	9	1	-	-
2007	4	2	1	-
2008	5	-	-	2
2009	7	1	-	7
2010	44	4	11	10
Total	69	8	12	19

Case Number 10/121229

Lord Morrow asked the Minister of Justice for a breakdown of the total cost of case number 10/121229. (AQW 4568/11)

Minister of Justice: Some of the costs associated with this case are not yet known - for example the legal aid costs may not be submitted for some months. Not all agencies hold cost information at case level and have therefore provided estimated costs.

It is understood from the Public Prosecution Service (PPS) that it is not possible to produce accurate costings for particular cases since the amount of time required to take individual decisions as to prosecutions will vary depending on a range of factors including the complexity of the case and the

extent of the case papers. Some costs are identifiable, for example, the fees paid to prosecuting counsel, however, in relation to this matter there are no such costs as all proceedings were conducted by a Public Prosecutor from the PPS.

The table below sets out the estimated costs associated with magistrates' court case number 10/121229.

Estimated costs associated with case number 10/121229

Cost Type	Estimated Cost
PSNI Prosecution	£913
PPS Prosecution	N/K
Defence (Legal Aid Costs)	£3,628
Court (Judiciary and Staff Costs)	£266
Facilities (e.g. Courtroom Accommodation)	£60
Total	£4867

Television Systems and Games Consoles for Prisons

Mr S Hamilton asked the Minister of Justice, for each of the last three years, how much the Prison Service has spent on purchasing (i) satellite/cable television systems and subscriptions; (ii) games consoles, such as Xbox; and (iii) games for these consoles for use by prisoners.

(AQW 4594/11)

Minister of Justice: Table A below shows the amounts spent in each of the last three years on purchasing (i) satellite/cable television systems and subscriptions, (ii) games consoles and (iii) games, for use by prisoners.

TABLE A

Year	2007-08	2008-09	2009-10
Satellite/cable TV systems & subscriptions	nil	nil	nil
Games consoles	nil	£1,705	£495
Games for consoles	nil	£198	Nil
Total	nil	£1,903	£495

The game consoles and games were purchased by Hydebank Wood YOC to provide recreational activity and mental stimulus for evening association on the landings. Consoles were also placed in the Child Centred and Extended Family Visits unit.

Convictions for Knife Crime

Lord Morrow asked the Minister of Justice to detail the number of convictions for knife crime in each of the last three years, broken down by court division.

(AQW 4604/11)

Minister of Justice: The information sought on convictions for knife crime is not available in the format requested. Court conviction data do not contain background information in relation to offences committed. It is therefore not possible to separate out the number of convictions for certain offences, such as murder, in which a knife was involved. It is possible only to provide conviction statistics for

those offences which, in their definition, refer to an 'offensive weapon' or 'article with blade or point' (of which knives will be one sub-category).

These are:

- Armed with offensive weapon with intent to commit offence;
- Possessing offensive weapon in public place;
- Possessing article with blade or point in public place;
- Possessing article with blade or point on school premises;
- Possessing offensive weapon on school premises.

Table 1 below gives the number convicted by court division for the calendar years 2004 to 2006 (the latest year for which figures are currently available). Data are collated on the principal offence rule; only the most serious offence for which an offender is convicted is included.

TABLE 1: OFFENSIVE WEAPON OFFENCES – NUMBER CONVICTED BY COURT DIVISION 2004-2006

Court division	2004	2005	2006
Belfast	52	62	77
Antrim	45	41	41
Ards	25	17	26
Armagh and South Down	8	21	23
Craigavon	18	24	23
Fermanagh and Tyrone	13	18	29
Londonderry	20	26	23
Total	181	209	242

Foreign National Prisoners

Lord Morrow asked the Minister of Justice to detail the number of foreign national prisoners due to be deported on release.

(AQW 4606/11)

Minister of Justice: Since January 2011, two foreign national prisoners due for deportation have been transferred from our custody to that of the United Kingdom Borders Agency (UKBA).

The Northern Ireland Prison Service (NIPS) currently holds four sentenced prisoners with Deportation Orders on their file. Once a foreign national prisoner is transferred from the custody of NIPS to that of UKBA, NIPS has no further involvement in the case.

Magherafelt Magistrates Court: Motoring Charges

Mr J Dallat asked the Minister of Justice why motoring charges which were scheduled to be heard at Magherafelt Magistrates Court recently were withdrawn.

(AQW 4626/11)

Minister of Justice: I understand that the charges in this case were withdrawn because the defendant is now deceased.

Solicitor Advocates

Mr P Weir asked the Minister of Justice for his assessment of the impact on case load of the introduction of Solicitor Advocates into the higher courts.

(AQW 4638/11)

Minister of Justice: The provisions in the Justice Bill will allow solicitors who become authorised by the Law Society, extended rights of audience in the High Court and Court of Appeal. It is not anticipated that there will be an impact on caseload in the higher courts as a result of these provisions.

Solicitor Advocates

Mr P Weir asked the Minister of Justice where the training of Solicitor Advocates will be carried out.

(AQW 4639/11)

Minister of Justice: The education, training and experience which a solicitor must possess in order to become authorised to exercise extended rights of audience in the High Court and Court of Appeal will be a matter for the Law Society to prescribe in Regulations. Consequently, it will be for the Law Society to determine where the training will be facilitated. These Regulations, will however, require the concurrence of my Department after consultation with the Attorney General.

Knife Crime

Lord Morrow asked the Minister of Justice how many convictions for knife crime in each of the last three years involved (i) minor injury; (ii) serious injury; and (iii) death, broken down by court division.

(AQW 4664/11)

Minister of Justice: The information requested is not available. Court conviction data do not contain background information in relation to offences committed. It is therefore not possible to separate out the number of convictions for certain offences, such as murder, in which a knife was involved or determine the level of any injury caused.

Visitation Rights for Prisoners

Lord Morrow asked the Minister of Justice to outline the difference in visitation rights for (i) remand; and (ii) sentenced prisoners.

(AQW 4665/11)

Minister of Justice: Remand prisoners are permitted two visits per week. Sentenced prisoners are permitted one visit per week. Upon reaching “enhanced” prisoner status, which is the highest prisoner regime level under the Progressive Regimes and Earned Privileges Scheme (PREPS), a sentenced prisoner can apply for one extra visit per month.

Sentenced prisoners appealing sentence may also, on application from their legal adviser, be permitted one “appeal” visit per week.

Probation Board Members and Staff

Mr W Humphrey asked the Minister of Justice, for each of the last three years, to provide details of (i) Probation Board members; and (ii) Probation Board staff, broken down by (a) gender; (b) religious background; and (iii) age.

(AQW 4708/11)

Minister of Justice: The details are as follows:

(I) PROBATION BOARD - BREAKDOWN OF BOARD MEMBERS, TAKEN ON 1 JANUARY, OVER THE LAST 3 YEARS:**(A) GENDER**

	2008	2009	2010
Male	62%	69%	69%
Female	38%	31%	31%

(B) COMMUNITY BACKGROUND

	2008	2009	2010
Non-determined	8%	8%	0%
Protestant	46%	54%	62%
Roman Catholic	46%	38%	38%

(C) AGE

	2008	2009	2010
36-45	8%	8%	8%
46-55	30%	23%	38%
56-65	54%	46%	46%
66+	8%	23%	8%

(II) PROBATION BOARD STAFF - BREAKDOWN OF ALL EMPLOYEES, TAKEN ON 1 JANUARY, OVER THE LAST 3 YEARS BY:**(A) GENDER**

	2008	2009	2010
Female	67%	67%	70%
Male	33%	33%	30%

(B) COMMUNITY BACKGROUND

	2008	2009	2010
Non-determined	9%	8%	7%
Protestant	45%	45%	44%
Roman Catholic	46%	47%	49%

(C) AGE

	2008	2009	2010
18-25	1%	2%	3%
26-35	14%	17%	21%
36-45	31%	31%	29%

	2008	2009	2010
46-55	32%	31%	30%
56-65	20%	18%	16%
66+	2%	1%	1%

The 2011 annual monitoring returns have not been completed to date.

Parades Commission

Mr S Anderson asked the Minister of Justice, pursuant to AQW 4170/11, whether he discussed the NI Parades Commission's response to illegal dissident republican parades with its Chairman.

(AQW 4772/11)

Minister of Justice: The issue of illegal parades was discussed at my meeting with the Chairman of the Parades Commission on 9 February.

Counter Terrorism Budget

Mr S Anderson asked the Minister of Justice, pursuant to AQW 4161/11, whether he has made an assessment of the impact of the UK Government's recent announcement of real term cuts to the Foreign Office's international counter terrorism budget on the ability of the security service to address attempts by terrorist organisations to purchase weaponry for use in Northern Ireland.

(AQW 4773/11)

Minister of Justice: The issues referred to are excepted matters and as such remain the responsibility of the Her Majesty's Government.

Case Number 10/11679

Lord Morrow asked the Minister of Justice, pursuant to AQW 4402/11, in relation to case number 10/11679, to provide a breakdown of the estimated £740.00 PSNI prosecution costs.

(AQW 4775/11)

Minister of Justice: The basis of the PSNI's estimated costs contained in AQW 4402/11 and any further breakdown 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.

You may therefore wish to direct your question to the PSNI.

Policing/CCTV Personnel

Mr G Campbell asked the Minister of Justice to detail any proposals in relation to the positions currently filled by civilians working as policing/CCTV personnel for the period 31 March 2011 to 31 May 2011.

(AQW 4842/11)

Minister of Justice: The filling of positions as policing/CCTV personnel 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.

You may therefore wish to direct your question to the PSNI.

CrimeMapper Website

Mr P Weir asked the Minister of Justice what consideration he has given to having the CrimeMapper Website extended to Northern Ireland.

(AQW 4918/11)

Minister of Justice: The consideration of the CrimeMapper Website 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.

You may therefore wish to direct your question to the PSNI.

Part-Time Reserve Gratuity Payments

Mr P Frew asked the Minister of Justice for his assessment of the impact on Part-Time Reserve gratuity payments if all payments are not processed by the end of the 2010/11 financial year.

(AQW 4971/11)

Minister of Justice: The value of individual payments under this scheme is dependent on the number of eligible applications, so the verification process, which has taken longer than expected, has to be complete before the payment process commences. All of the cash payments may not now be made before the end of the 2010/11 financial year. However, it will be possible to accrue the full costs of the scheme this year and therefore there will be no impact on the available budget.

Department for Regional Development

Electricity

Mr J Spratt asked the Minister for Regional Development how much his Department and its arms-length bodies have spent on electricity in each of the last three available financial years.

(AQW 4495/11)

Minister for Regional Development (Mr C Murphy): The amounts the Department and its arms-length bodies have spent on electricity in each of the last three financial years are as follows:

Year	2007/08	2008/09	2009/10
Expenditure (£)	33,539,388	45,552,207	47,558,589

Appointments to Public Bodies and Arm's-Length Bodies

Mr G Campbell asked the Minister for Regional Development to detail the number and names of individuals who have been appointed to (i) public bodies; and (ii) arm's-length bodies since May 2007.

(AQW 4503/11)

Minister for Regional Development: Since May 2007 I have appointed three Non-Executive Directors to the Board of the Northern Ireland Transport Holding Company and reappointed four Non-Executives (including the Chairman).

I have made 10 appointments in respect of the Chair and Non-Executive Director positions on the Board of Northern Ireland Water. Of these, three were reappointments and five were interim appointments.

I have made 17 appointments to Belfast Harbour Commissioners, five to Derry Port and Harbour Commissioners and 13 to Warrenpoint Harbour Authority.

Details are set out below. They do not include Executive members appointed to Boards by virtue of their posts.

(I) PUBLIC BODIES

Name of Body	Name of Individual	Date Appointed
Northern Ireland Transport Holding Company	Non-Executive Directors John Trethowen	1 July 2008
	Sean Hogan	1 July 2008
	Angela Coffey	1 July 2008
	Reappointment of Non-Executive Directors Veronica Palmer, Chairman	1 July 2008
	Gerry Lennon	1 July 2008
	Ruth Laird	1 July 2008
	John Doran	1 July 2008
Northern Ireland Water	Declan Gormley	7 July 2008
	Don Price	7 July 2008
	Chris Mellor, Chair	1 April 2009
	John Ballard	1 April 2009
	Ruth Thompson	1 April 2009
	Peter Bunting *	30 June 2010
	Kevin Steele *	30 June 2010
	Lawson McDonald *	30 June 2010
	Mairtin O Muilleoir*	30 June 2010 (resigned with effect from 7 December 2010)
	Padraic White, Interim Chair	6 August 2010

* Interim Non-Executive Director

(II) OTHER ARMS-LENGTH BODIES

Name of Body	Name of Individual	Date Appointed
Belfast Harbour Commissioners	Mary McMahon	1 January 2008
	Steve Pollard	1 January 2008
	Ronnie Foreman	1 January 2008
	Noel Brady	1 January 2008
	Trefor Campbell	1 January 2008
	Peter Dixon	1 January 2008
	Peter Curistan	1 January 2008
	Samuel Ross Reed	1 January 2008
	David Russell	1 January 2008
	Cllr Tom Hartley	1 January 2008
	Cllr Alban Magennis	1 January 2008
	Cllr David Browne	1 January 2008
	Cllr David Rodway	1 January 2008
	Patrick Convery	22 July 2008
	Cllr Danny Lavery	22 July 2008
	Cllr Cathal Mullaghan	29 July 2010
	Len O'Hagan, Chair	1 January 2011
Derry Port and Harbour Commissioners	Garvan O'Doherty, Chair	8 February 2010
	Joe McKeever MBE	8 February 2011
	Roy Devine	8 February 2011
	Peter Sheridan	8 February 2011
	Dolores O'Reilly	8 February 2011

Name of Body	Name of Individual	Date Appointed
Warrenpoint Harbour Authority	James Stewart CBE, Chair	1 October 2007
	Cllr Josephine O'Hare	1 October 2007
	Kieran Campbell	1 October 2007
	Gerard McGivern	1 October 2007
	Cllr William Burns	1 October 2007
	Cllr. Michael Ruane	1 October 2007
	Bonnie Horsman	1 October 2008
	Bill Luney	1 October 2008
	Sean Hogan	1 October 2008
	Peter Fitzsimmons	1 October 2010
	Alan Stephens	1 October 2010
	Brian Reid	1 October 2010
	Cllr Michael Carr	15 November 2010

Cost of Grit and Salt

Mr P Weir asked the Minister for Regional Development to detail how much Roads Service has spent on grit and salt in each of the last five years.

(AQW 4538/11)

Minister for Regional Development: My Department's Roads Service has advised that the total amount spent on salt in each of the last five financial years is detailed in the table below:

Expenditure on salt in the last five years	
Financial Year	Expenditure
2005/06	£850,350
2006/07	£676,640
2007/08	£964,727
2008/09	£1,845,893
2009/10	£2,213,002
Total	£6,550,612

Roads Service uses grit for a variety of purposes, including winter service activities, but it has not maintained records of the total amounts spent on grit for each work category during the last five years. It is therefore unable to provide the Member with details of the amount spent on grit in connection with winter service activities in each of the last five years.

Blue Badges

Mr G Campbell asked the Minister for Regional Development whether it has been possible to determine how many Blue Badges were issued in 2010 to people who were deceased.

(AQW 4552/11)

Minister for Regional Development: My Department's Roads Service advises that there are currently 101,000 Blue Badge holders in the North and that each badge is valid for 3 years. It also advises that 67% of Blue Badge Holders are over the age of 64 and it is therefore highly likely that some Blue Badge holders may die within the 3 year term of their badges.

While it is possible that an applicant for a Blue Badge could die within the 15 day period between receipt of an application for and the issue of a Blue Badge, Roads Service has no knowledge of any such cases during 2010. It also has no evidence of any applications for a Blue Badge being made in a deceased person's name over the past 10 years.

B8 Route Between Crossan Road and the Village of Mayobridge

Mr P J Bradley asked the Minister for Regional Development on what date work is due to commence on the construction of a new footpath on the B8 route between Crossan Road and the village of Mayobridge.

(AQW 4553/11)

Minister for Regional Development: My Department's Roads Service has advised that it is currently assessing a recently submitted request for the provision of this footway in Mayobridge. Upon completion of this assessment, a decision will be taken as to whether the scheme merits inclusion in a future programme of work when compared with other similar and competing requests.

Speeding on the A2 Route

Mr P J Bradley asked the Minister for Regional Development what plans he has to address the concerns of residents, parents and pedestrians in relation to speeding on the A2 route, particularly in the 30 mph zone near the major roundabout at the A2/A50 junction.

(AQW 4555/11)

Minister for Regional Development: I would advise the Member that speed limits are enforced by the PSNI and, if drivers are exceeding the speed limits at particular locations then this should be brought to the attention of the PSNI. However, I have asked Roads Service officials to refer this matter on to the local PSNI Traffic Branch for its attention.

A2 Dualling Project

Mr P McGlone asked the Minister for Regional Development to detail any plans his Department has for the lands vested for the A2 dualling project.

(AQW 4570/11)

Minister for Regional Development: My Department's Roads Service has, in recent years, been continuing with the development of the A2 Shore Road Greenisland scheme. Unfortunately, there is insufficient funding within the four year draft budget up to 2015 to allow construction of the scheme to proceed, given other competing priorities.

While the Vesting Order to affect the compulsory purchase of land required for the scheme has not been completed, Roads Service has been required to purchase a number of properties along the Shore Road, Greenisland under Planning Blight Legislation.

My Department's Roads Service is currently formulating a longer term management strategy for these properties. In the meantime, the Department will manage the properties in accordance with its policies and consideration will be given to the disposal of any land that is deemed surplus to scheme requirements.

Footpath from Greenisland to Jordanstown

Mr P McGlone asked the Minister for Regional Development if there are any plans to provide a footpath from Greenisland to Jordanstown.

(AQW 4571/11)

Minister for Regional Development: My Department's Road's Service has advised that there are existing footways on both sides of the A2 Shore Road from Station Road, Greenisland to Jordanstown. The landward side has a continuous footway, however the shore side footway, which is narrower in places, does at one location taper away to become discontinued for a short length of approximately five metres.

The proposed A2 Shore Road, Greenisland scheme incorporated a new 3.5m wide combined footway/cycle lane on the shore side and a 2.5m wide footway on the landward side. However, following the substantial reduction in the Executive's overall capital funding from the Treasury over the next four years, I am unfortunately unable to progress plans to start construction on the A2 scheme during this four year budget period to 2015.

Roads Service has further advised that it currently has no other plans for improvements to the footways along this section of the Shore Road, Greenisland.

Private Roads within a Development

Mr D Kinahan asked the Minister for Regional Development (i) what action he is taking to ensure that private roads within a development are adopted by Roads Service if the developer goes into liquidation; and (ii) if he is taking any action to end private road agreements between Roads Service and developers.

(AQW 4574/11)

Minister for Regional Development: I can advise that, where a street within a development has been determined for adoption, my Department's Roads Service uses statutory powers and procedures, under the Private Streets (NI) Order 1980, to adopt such streets, if the developer goes into liquidation.

With regard to private road agreements, the Private Streets (NI) Order 1980 makes provision for a street to remain private, under an Article 24 agreement, if the developer makes such a request and my Department is in agreement. Such an arrangement may be appropriate in certain circumstances, for example, at a gated development. However, it would not be suitable where the street is a through route. I have no plans to end this option, but my Department's Roads Service will continue to ensure that the facility is only exercised, where appropriate.

Cycle Lane Between Carrickfergus and Jordanstown

Mr P McGlone asked the Minister for Regional Development if there are any plans to introduce a cycle lane between Carrickfergus and Jordanstown.

(AQW 4576/11)

Minister for Regional Development: My Department's Roads Service has advised that it plans to make provision for cyclists within the proposed A2 Shore Road, Greenisland scheme. This will take the form of a shared pedestrian/cycle track from Jordanstown to Station Road. At Station Road, it is proposed that vehicular traffic will veer off the line of the existing Shore Road, allowing pedestrians and cyclists to use the bypassed section of the existing Shore Road, which will be relatively free of traffic.

However, you will be aware that this scheme has been postponed as a result of the reduction in capital funding and it will not be possible to provide these cycling facilities until after 2015, in conjunction with the construction of this road scheme.

In the interim, during the 2011/12 financial year, and subject to the availability of funding, Roads Service proposes to create 1.25km of new cycling facilities from Seapark to Sloefield Road. Roads

Service also plans to investigate if there is any opportunity to provide further facilities for cyclists along the 1.5km stretch from Sloefield Road to Carrickfergus.

Capital Road Schemes

Mr R Beggs asked the Minister for Regional Development to detail (i) all current multi-million pound capital road schemes under consideration by Roads Service; (ii) the estimated value of each scheme; (iii) the current planning status of each scheme; (iv) the estimated number of vehicles travelling on each scheme route per day; (v) the value of any funding paid, to date, for properties affected by each of the proposed schemes; (vi) which schemes are located on a Trans-European Network; and (vii) which schemes are prioritised under the Belfast Metropolitan Area Plan or the Regional Development Plan.
(AQW 4588/11)

Minister for Regional Development: A table containing details of all the current multi-million pound capital road schemes, under consideration by Roads Service, has been placed in the Library.

With regard to the planning status of these schemes, I should advise that in recognition of its responsibilities and the provisions of relevant legislation, including the Roads (NI) Order 1993, my Department's Roads Service does not require planning approval for work to the trunk road network. However, major works schemes are subject to public consultation during the Direction Order and Vesting Order procedures and the development of the Environmental Statement. If appropriate, a Public Inquiry is held. Accordingly, the Planning Status column of the table placed in the Library, indicates if a Public Inquiry has been held or if statutory orders have been published.

Bus Lanes on the A1 North Bound

Mr P J Bradley asked the Minister for Regional Development if he would consider providing 500 metres of bus lanes on the A1 north bound approaches to the Hillsborough and Sprucefield roundabouts.
(AQW 4603/11)

Minister for Regional Development: My Department's Roads Service has advised that the A1 north bound approaches to the Hillsborough and Sprucefield roundabouts are not considered suitable locations for bus lanes.

The approach to the Hillsborough Roundabout has the benefit of a hard shoulder. However, in light of the relatively small number of buses using this route and the costs of undertaking works necessary to comply with safety requirements, Roads Service does not consider the scheme would represent a good use of resources when it is prioritised against other schemes competing for funding.

There is no hard shoulder on the approach to the Sprucefield Roundabout and there is a high volume of traffic at this location. Converting a traffic lane to a bus lane would lead to queues and substantial delays to all traffic, which would, in turn, make it difficult for buses to reach the bus lane.

NI Water: Pension Packages

Mr J Dallat asked the Minister for Regional Development how many early retirement packages at management level are currently being considered by NI Water; and to outline the proposed pension packages on offer in each instance.
(AQW 4621/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that a total of 20 formal applications for Voluntary Early Retirement are currently being considered for employees at management level. The pension package on offer in each case will vary dependant upon each employee's reckonable period of service and reckonable salary. The level of benefits payable will also depend on the terms of the NICS PCSPS (NI) variant scheme or NIW Pension scheme that each employee is a member of. The range of schemes that employees may currently be a member of are:

- Classic NICS Pension Scheme;
- Classic Plus / Premium / Partnership NICS Pension Schemes;

- NIW Premium Scheme; and
- NIW Partnership Scheme.

Former Chief Executive of NI Water

Mr J Dallat asked the Minister for Regional Development whether he is aware of the recent interview given by the former Chief Executive of NI Water to the BBC Spotlight programme; and if it is in breach of the agreement entered into when he resigned from NI Water.

(AQW 4622/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that the BBC Spotlight interview given by the former Chief Executive of NIW is not deemed to be in breach of the terms of the agreement entered into when he resigned from NIW.

Dualling of the A26

Mr D O'Loan asked the Minister for Regional Development whether the dualling of the A26 from Glarryford to the Drones Road junction is provided for in his Department's spending plan; and when the project will be completed.

(AQW 4629/11)

Minister for Regional Development: My Department's Roads Service is progressing plans for the provision of a 7km stretch of dual carriageway on the A26, between Glarryford and the A44 Drones Road. This is one of the major projects included in the ten-year Investment Delivery Plan for Roads.

Unfortunately, the funding levels envisaged in the draft budget will not enable construction to commence in the next four year period. The timing of delivery will be dependent on the allocation of finances beyond the Budget 2010 period. However, in the meantime, Roads Service will continue to develop the scheme through the normal statutory processes.

A5 Western Transport Corridor

Mr K Robinson asked the Minister for Regional Development whether he will consider redirecting his Department's funding for the A5 Western Transport Corridor to the completion of the A2 Shore Road scheme should a newly elected government in the Republic of Ireland decide to withdraw its financial input from the A5 scheme.

(AQW 4641/11)

Minister for Regional Development: The draft budget for the four year period to 2015 allows for construction of the A5 and A8 schemes. This funding is ring-fenced and takes account of the Irish Government's contribution. In the unlikely event of funding from the Irish Government being withdrawn, consideration for construction of the A2 Shore Road, together with other major priority roads projects, would be dependent on the funds made available to my Department.

Ports Legislation

Miss M McIlveen asked the Minister for Regional Development for an update on any proposed ports legislation being developed by his Department.

(AQW 4642/11)

Minister for Regional Development: Primary legislation (a Harbours Bill) and secondary legislation (a series of Harbour Orders) implementing the outcome of the Ports Policy Review have been drafted.

A draft Harbour Order to transfer the ownership of Coleraine Harbour from Coleraine Harbour Commissioners to Coleraine Borough Council has also been developed and consulted upon. The draft Order will be subject to the affirmation of the Assembly.

There is insufficient time available to bring forward these items of legislation during the current Assembly. They are, therefore, matters that will have to be taken forward under the next Assembly.

Dualling of the A26

Mr M Storey asked the Minister for Regional Development for an update on the dualling of the A26, including how this project will be affected by the draft Budget 2011-15.

(AQW 4661/11)

Minister for Regional Development: My Department's Roads Service is progressing plans for the provision of a 7km stretch of dual carriageway on the A26, between Glarryford and the A44 Drones Road. This is one of the major projects included in the ten-year Investment Delivery Plan for Roads.

Unfortunately, the funding levels envisaged in the draft budget will not enable construction to commence in the next four year period. The timing of delivery will be dependent on the allocation of finances beyond the Budget 2010 period. However, in the meantime, Roads Service will continue to develop the scheme through the normal statutory processes.

A32 Schemes

Mr T Buchanan asked the Minister for Regional Development, in relation the (i) Shannaragh Scheme; (ii) Cornamuck Scheme; and (iii) Drumskinney Scheme on the A32, to detail (a) the current position on each scheme; (b) the proposed cost of each scheme; and (c) when each scheme is due to be completed.

(AQW 4662/11)

Minister for Regional Development: My Department's Roads Service is currently developing several improvement schemes along the A32 between Omagh and Enniskillen.

I can advise that the current position, in relation to the schemes specifically referred to, is as follows:

Shannaragh Scheme:	The design work is substantially complete and Roads Service has just published the draft statutory orders. The estimated cost for this scheme is £7 million.
Cornamuck Scheme:	The design work is well advanced for this scheme which has an estimated cost of £5.1 million.
Drumskinny Scheme:	Advance site works were carried out in 2009/10, with completion work to be undertaken during year 2011/12, subject to the availability of funding. The estimated cost for this scheme is £1.4 million.

Roads Service remains committed to delivering a programme of improvement works along this route. However, the timing of further works will be dependent on the availability of finance.

NI Water and Translink: Audit Processes and Systems

Mr P McGlone asked the Minister for Regional Development to detail the audit processes and systems which are used by (i) NI Water; and (ii) Translink.

(AQW 4672/11)

Minister for Regional Development:

- i) I have been advised by Northern Ireland Water (NIW) that in accordance with the Companies Act 2006, External Auditors are appointed to give an opinion on the annual financial statements prepared by the company. The External Auditor's opinion for 2010/11 will for the first time also include a Regularity opinion in accordance with the Non-Departmental Public Body (NDPB) requirements. In addition the External Auditors carry out an audit on information provided to the Northern Ireland Authority for Utility Regulation:

Regulatory Accounts, parts of the Annual Information Return and the Principal Statement. The External Auditors were appointed via a competitive tender process and the appointment was approved by the NIW Board and the Department for Regional Development (DRD) in accordance with governance requirements.

In accordance with HM Treasury/DFP requirements, NIW also has an independent Internal Audit Function. The internal audit processes and methodology are in accordance with the International Professional Internal Auditing Standards and also, since NIW's reclassification as a NDPB, with HM Treasury Government Internal Audit Standards (GIAS). Only one area remains to be addressed to demonstrate full compliance with GIAS which is in relation to the assurance rating definitions currently used by NIW. It has been recognised by the DRD that NIW's current five scale assurance ratings are in no way inferior to the assurance ratings stipulated by DFP, however, it has been agreed with DRD that to ensure consistency with the core Department and its Agencies / other arms length bodies, the DFP assurance ratings will be applied from the beginning of the new financial year (2011/12). In accordance with GIAS there is an annual assessment of the Internal Audit function by the Audit Committee and an external independent assessment once every five years.

The Reporter appointed by the Regulator (NIAUR) is also engaged to provide an independent audit of the Annual Information Return (AIR) and other deliverables under the Regulatory Licence.

- (ii) In accordance with the Companies Act 2006, External Auditors are appointed to give an opinion on the annual financial statements prepared by the Northern Ireland Transport Holding Company (NITHC). It is hoped that the External Auditor's opinion for 2010/11 will, for the first time, also include a Regularity opinion similar to any public body whose accounts are audited by the Comptroller and Auditor General. The External Auditors for NITHC were appointed via a competitive tender process and the appointment was approved by the NITHC Board. NITHC is subject to value for money audits undertaken by the Comptroller and Auditor General and NITHC accounts are open to inspection by Comptroller and Auditor General. Where appropriate the Department may commission from the NITHC external auditor additional reports providing assurance about the financial systems within NITHC.

In accordance with HM Treasury/DFP requirements, NITHC also has an independent Internal Audit Function. The internal audit processes and methodology are in accordance with the International Professional Internal Auditing Standards and with HM Treasury Government Internal Audit Standards (GIAS). In accordance with GIAS there is an annual assessment of the Internal Audit function by the Audit Committee and an external independent assessment once every five years. An external assessment of internal audit arrangements in NITHC was carried out within the last two years.

Translink: New Buses

Mr S Hamilton asked the Minister for Regional Development to detail (i) the cost incurred by Translink in purchasing new buses for the Newtownards District Office area in each of the last three years; and (ii) the number of new buses purchased.

(AQW 4679/11)

Minister for Regional Development: Newtownards depot took delivery of the following number of new buses in each of the last 3 years and the costs are detailed as follows:

	2007/08	2008/09	2009/2010
Number of buses	7	5	3
Cost £'000	898	690	381

Future of NI Water

Lord Empey asked the Minister for Regional Development what discussions he has had in the last 12 months with the Minister of Finance and Personnel in relation to the future of NI water; and the outcome of any such discussions.

(AQW 4684/11)

Minister for Regional Development: I met with the Minister of Finance and Personnel in February 2010 to discuss the PC10 Final Determination and the implications for water funding and governance arrangements. I have also met him on a number of occasions to discuss my Department's budget – which includes future funding for water and sewerage services.

Following my statement to the Assembly about future governance arrangements for NIW on 13th September 2010 the permanent secretaries of DRD and DFP met in December to discuss my short term and long term proposals at my request.

The outcome of all these discussions is that the Executive (of which both the Minister of Finance and I are members) agreed that I should prepare a Bill which would give effect to my short term proposals. As part of the approach I set out in my statement officials are preparing an options paper on long term governance and I intend to put my proposals to the Executive before the Assembly is dissolved.

Belfast Harbour Commission

Mr S Hamilton asked the Minister for Regional Development, pursuant to AQW 4195/11, whether he or his Department has indicated that the Executive could receive £125 million over the next four years and ongoing dividends from ports, if so, in what circumstances was an indication given.

(AQW 4687/11)

Minister for Regional Development: I have indicated to the Executive, in the context of the development of the draft Budget 2010, that I believe it could be possible to achieve a funding stream of up to £125m in value release from Belfast Harbour Commissioners.

EWAY

Mr C Lyttle asked the Minister for Regional Development (i) if he can offer an assurance that the Comber Greenway will not be used for the EWAY section of the Belfast Rapid Transport scheme; and (ii) for an update on the EWAY section of the Belfast Rapid Transport scheme, including the proposed route, mode of sustainable transport and when it will commence.

(AQW 4692/11)

Minister for Regional Development: The Strategic Outline Case (SOC) for Belfast Rapid Transit confirmed that bus based Rapid Transit is viable for Belfast and recommended the implementation of a pilot network connecting East Belfast, West Belfast and Titanic Quarter with and through the city centre. The SOC recommended that the route in East Belfast should utilise the Comber Greenway.

My Department is in the process of securing external support to complete the Outline Business Case (OBC) for the pilot Belfast Rapid Transit network. The OBC will identify the preferred options for Belfast Rapid Transit in terms of the network routes, procurement strategy, commercial/business model and fare system. Identifying the preferred options will allow the Department to undertake the necessary public consultation, impact assessments and appraisals on the scheme. The OBC will consider all route options for the pilot network, including both the Comber Greenway and Upper Newtownards Road options for EWAY. The OBC will also provide confirmation of the budgetary requirements and timescales for the identified preferred option.

My Department, in preparation for the OBC process, has completed survey data collection work and is preparing preliminary designs for all route alignment options. The preliminary designs will form part of a public awareness exercise, which is anticipated to take place in 2011, as part of the OBC process. This will give everyone an opportunity to comment on the options for Belfast Rapid Transit, including the route alignment options.

Resident Parking Schemes

Mr P Callaghan asked the Minister for Regional Development for an update on the introduction of resident parking schemes, particularly in the Derry City Council area.
(AQW 4741/11)

Minister for Regional Development: My Department's Roads Service has advised that a Residents' Parking Scheme for the Bogside area of Derry is currently at the legislative stage.

Enterprise Rail Service

Mr G Robinson asked the Minister for Regional Development to detail any timetable changes that are planned for the Enterprise Rail service in the next six months.
(AQW 4743/11)

Minister for Regional Development: Translink advise that no timetable changes are planned for the Enterprise rail services in the next six months.

In December 2010 a Dundalk stop was introduced to the 0800 hrs Belfast-Dublin service and additional stops at Lisburn were introduced to a number of morning and evening Enterprise services.

Also, an additional cross border service is scheduled to commence before end March 2011 where Iarnród Éireann will introduce a departure from Newry to Dublin at 0645 hrs Monday to Friday. NI Railways will provide a connecting service departing Portadown at 0615 hrs and may eventually provide connection to Belfast.

Departmental Funding

Mr A Bresland asked the Minister for Regional Development to detail the level of funding (i) his Department; and (ii) its agencies, have allocated to organisations working with the lesbian, gay, bisexual and transgender community, in each of the last four financial years.
(AQW 4798/11)

Minister for Regional Development: My Department, including its agency Roads Service, has not allocated any funding, in each of the last four financial years, to organisations working with the lesbian, gay, bisexual or transgender community.

My Department works with every citizen regardless of background, including sexual orientation, on an equal basis and is committed to fully living up to its statutory duties under Section 75 of the Northern Ireland Act 1998.

NI Water's Leakage Allowance Policy

Mr G Robinson asked the Minister for Regional Development what consideration he has given to reinstating NI Water's leakage allowance policy for farm water supplies.
(AQW 4831/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that it is not considering reinstating the leakage allowance policy for farm water supplies. It would be inequitable to treat farm water supplies in a different manner to water used for any other non-domestic purpose.

The current arrangements for dealing with payment for water lost from customers' pipes were developed in 2008 after considering the measures operated by other water companies. In these arrangements, all non-domestic customers who are billed on a metered basis will be charged for the water that has been recorded by the meter, whether used or lost through leakage within the property. However, billed customers who have experienced a leak, and who are connected to the public sewer, can apply for a reduction of the sewerage bill (which would otherwise be levied) in recognition that the leaked water would not have returned to the sewer. Agricultural properties are not commonly connected to public sewers and therefore do not receive sewerage bills.

NIW is not responsible for the supply pipe within the customer's property and encourages property owners to regularly check for leaks and to protect and maintain their private pipes. It is not reasonable to expect other customers or the taxpayer to bear the cost of water wastage arising from leaks on private pipes – be that farm supplies or otherwise.

Seagahan Dam, Armagh

Mr W Irwin asked the Minister for Regional Development to detail the fishing rights arrangements for Seagahan Dam, Armagh.

(AQW 4875/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that it leases the fishing rights of Seagahan Dam on a 3 year basis and the annual rental consideration is negotiated by its agents the Land & Property Services, an executive Agency within the Department of Finance and Personnel. The lease for the current 3 year period, which commenced in January 2011, has been agreed with Armagh Fisheries Ltd, 50 Ballinahonemore Road, Armagh BT60 1HY

Department for Social Development

Housing in Northern Ireland

Mr D O'Loan asked the Minister for Social Development to outline how the total number of houses, including occupied houses, completed but unoccupied houses, incomplete houses and houses with planning permission but not yet started, corresponds to the need for housing in Northern Ireland.

(AQW 4486/11)

Minister for Social Development (Mr A Attwood): Unfortunately much of this information is simply not available in the format the Member requested.

I can report however that as of the 31 March 2010, there were approximately 743,500 homes in Northern Ireland, of which 698,300 were occupied. In terms of housing need, I can only comment on the need for social housing and in 2009/10 1,838 new social homes were started, the largest for a decade. The Housing Executive however estimates that with the waiting list approaching 40,000 applicants, 2,500 new homes are needed each year.

In terms of planning permissions, the member may wish to ask the Minister of the Environment about this issue although I understand that as there can be duplicate approvals in place for individual sites, the information may not be available to answer that question.

I am awaiting information on incomplete houses, which I had asked my Department to provide and will forward further information in due course.

Complaints from Housing Executive Tenants

Mr F McCann asked the Minister for Social Development (i) how many complaints from tenants were received by the Housing Executive and Housing Associations between 17 December 2010 and 3 January 2011 in relation to problems associated with the severe winter weather; (ii) how many tenants were left without running water for more than two days during this period; and (iii) how many were left without a working heating system for more than two days during this period.

(AQW 4497/11)

Minister for Social Development: In relation to the Housing Executive they have advised as follows:

- i) No complaints were received regarding difficulties faced during the cold weather period through their formal complaints procedure.
- ii) Some people were without water due to burst pipes and heating problems and some were due to problems relating to NI Water and some were a combination of both.

- iii) Some people were left without a working heating system for more than two days and they provided around 5,000 homes with temporary heaters.

In relation to Housing Associations the details are as follows:

- i) One complaint was received from a tenant due to their property being flooded and the time taken to render it habitable again.
- ii) As far as Housing Associations are aware, 255 tenants were left without running water for more than two days. Most were due to problems relating to NI Water.
- iii) As far as Housing Associations are aware, 83 tenants were left without a working heating system for more than two days.

Town Centre Regeneration

Mr S Hamilton asked the Minister for Social Development how much has been spent on town centre regeneration in each of the last three years; and what percentage in each year was spent in (i) Londonderry; and (ii) Belfast.

(AQW 4579/11)

Minister for Social Development: The figures requested are as follows –

TABLE 1 TOWN CENTRE REGENERATION SPEND FROM 2007 TO 2010

	2007/08		2008/09		2009/10	
	Amount £k	%	Amount £k	%	Amount £k	%
Belfast	24,074	43.83%	20,989	44.69%	27,931	58.41%
North West	5,985	10.89%	10,412	22.17%	11,759	24.59%
Other Regional Towns	24,874	45.28%	15,560	33.13%	8,131	17.00%
Total	54,933	100%	46,962	100%	47,821	100%

- Figures are shown gross and include expenditure on Comprehensive Development Schemes, Urban Development Grants, Public Realm, Promotions, Maintenance, Integrated Development Schemes, Ilex and other resource expenditure.
- Fluctuations due to Comprehensive Development acquisitions and Public Realm Schemes.

Appointments to Public Bodies and Arms-Length Bodies

Mr G Campbell asked the Minister for Social Development to detail the number and names of individuals that have been appointed to (i) public bodies; and (ii) arms-length bodies since May 2007.

(AQW 4584/11)

Minister for Social Development: There have been 49 appointments of which 34 were reappointments (R) made to DSD public bodies since May 2007, as shown in the table below. The number of reappointments to the NIHE Board reflects the annual statutory nominations from the Housing Council. In relation to the Disability Living Allowance Advisory Board, the reappointments were made pending the abolition of the Board.

(I)

Name	Public Body
Mr M Butler (Chairman) (R) Mr D Morrice (Chairman) Mr D Morrice (R) Mr P Keers Mrs P Wilson Mr D Haslett Ms J Sloan	Charities Advisory Committee
Mr T McGrath Mr P Sloan Mr W Rader Ms A Chada Ms R Connelly Mr P McDonagh Mr P Cavanagh	Charity Commission for Northern Ireland
Mr K Murnaghan (R)	Vaughan Charity Trust
Mr B Rowntree (Chairman) (R) Ms A Henderson(R) Mr E O'Neill(R) x 3 Mr J Speers(R) x 3 Ms J Palmer(R) x 3 Mr B Curran(R) x 3 Ms M Wilson(R) Ms E Dunbar Ms A Coffey Mr K Millar	Northern Ireland Housing Executive Board
Mr S Millar (R) Dr M Curran(R) x 2 Ms H Fair(R) x 2 Dr A Jones(R) x 2 Ms M Kane(R) x 3 Dr N Stratton(R) x 2 Dr R Tubman(R) x 2 Dr EM Whitehead(R) x 2	Disability Living Allowance Advisory Board for NI

(ii) Nil.

Disability Living Allowance

Mr C Lyttle asked the Minister for Social Development how many people in the East Belfast constituency will be affected by the removal of the mobility component of Disability Living Allowance from care home residents.

(AQW 4668/11)

Minister for Social Development: I am pleased that the proposal to remove the mobility component from those in residential care does not appear on the face of the Welfare Reform Bill. This is something which I have lobbied strongly for. I will continue to make representations to both Lord Freud, the Welfare Reform Minister and Maria Miller, Minister for the disabled, in Westminster, for measures which protect the vulnerable in our society.

At January 2011 the number of Disability Living Allowance claimants in the East Belfast constituency who are in state-funded care homes/residential homes and are currently receiving the mobility component is 126. This is 1.6% of the Disability Living Allowance liveload in East Belfast constituency (7,713).

Carbon Monoxide Detectors

Mr S Hamilton asked the Minister for Social Development in which Housing Executive properties will the 3,000 carbon monoxide detectors, as announced in his recent statement, be located.

(AQW 4681/11)

Minister for Social Development: The Housing Executive currently has 3,675 dwellings with a Solid Fuel Room Heater appliance. However, approximately 950 of these appliances will be replaced by 31 March 2011. In relation to the remaining 2,725 dwellings that will continue to have a Solid Fuel Room Heater, the Housing Executive will install a fixed battery operated carbon monoxide alarm to provide early warning of a potential problem. This work is expected to be completed by 31 March 2011. The following table provides a breakdown of those 2,725 properties:-

Housing Executive District Area	Number
Belfast	
East Belfast	113
North Belfast	215
Shankill	182
South Belfast	24
West Belfast	46
South	
Armagh	52
Banbridge	24
Dungannon	46
Fermanagh	38
Lurgan	71
Newry	37
Portadown	190
South East	
Bangor	66

Housing Executive District Area	Number
South East	
Castlereagh	133
Downpatrick	48
Lisburn Antrim Street	155
Lisburn Diary Farm	39
Newtownards	187
West	
Collon Terrace	159
Limavady	146
Magherafelt	6
Omagh	33
Strabane	19
Waterloo Place	195
Waterside	66
North East	
Antrim	91
Ballycastle	10
Ballymena	55
Ballymoney	8
Carrickfergus	29
Coleraine	108
Larne	13
Newtownabbey 1	58
Newtownabbey 2	63

Cold Weather Payments: South Antrim

Mr P Girvan asked the Minister for Social Development how much has been paid out in cold weather payments over the last three years in Antrim, Crumlin, Newtownabbey and Ballyclare.

(AQO 1094/11)

Minister for Social Development: Cold Weather Payments are triggered when the average daily temperature is, or is forecast to be zero degrees Celsius or below for a period of seven consecutive days.

The temperature measurements are made by the Meteorological Service at its seven weather stations across Northern Ireland at Aldergrove, Ballykelly, Castlederg, Glenanne, Katesbridge, St Angelo (Enniskillen) and Stormont. Each of the seven weather stations cover a pre assigned range of post code areas.

When a Cold Weather Payment period is triggered, all qualifying customers living within one of the post code areas covered by the relevant weather station(s) are automatically issued with a payment. Information on the number and amount of payments made is only available by weather station.

This year, Antrim, Ballyclare and Crumlin come within scope of the Aldergrove weather station whilst Newtownabbey is covered by the Stormont weather station.

Five separate £25 payments amounting to an estimated £3.05 million have been made to those qualifying customers living in the post codes covered by Aldergrove. Two separate £25 payments amounting to an estimated £3.28 million have been made to those covered by the Stormont weather station.

In previous years the temperature information underpinning the triggering of Cold Weather Payments was based on five weather stations at Aldergrove, Ballykelly, Castlederg, Katesbridge and St Angelo (Enniskillen). Antrim, Ballyclare, Crumlin and Newtownabbey all came within scope of the Aldergrove weather station.

No payments were made in 2008/09 to those living within Aldergrove's post code catchment area whilst three separate £25 payments were made in 2009/10 amounting to an estimated £5.82 million.

Disability Living Allowance

Mr T Clarke asked the Minister for Social Development how many people in South Antrim receive the lowest rate of Disability Living Allowance.

(AQW 4691/11)

Minister for Social Development: Disability Living Allowance consists of a care component which can be awarded at higher rate, middle rate or lower rate and a mobility component which can be awarded at higher rate or lower rate. Some people will be entitled to receive just one component; others may get both depending on how the disability affects them.

The table below shows the numbers of people in South Antrim, whose Disability Living Allowance award, at May 2010, contains the care component, mobility component, or both components at the lower rates.

Category of Disability Living Allowance Award	Numbers of People
Lower rate care only	592
Lower rate mobility only	156
Higher rate care and lower rate mobility	705
Middle rate care and lower rate mobility	1839
Lower rate care and higher rate mobility	800
Lower rate care and lower rate mobility	171
Total	4263

Belfast Regeneration Office

Mr W Humphrey asked the Minister for Social Development when the Belfast Regeneration Office plans to develop its sites on the (i) Shankill; (ii) Crumlin; (iii) York; and (iv) Shore Roads.

(AQW 4705/11)

Minister for Social Development: My aim is to help regenerate these areas of Belfast by disposing of such sites for development in line with the Department's priorities, as soon as possible. Current market conditions are limiting the interest of the private sector for development sites as evidenced by several recent attempts to market sites throughout the city. My Department will shortly make a further attempt to stimulate the private sector by advertising the former Probation Board premises on

the Lower Shankill Road at Malvern Street as a development opportunity. The level of interest in this competition will help to determine how my Department will progress the other sites in its ownership.

Single Glazing

Mr G Campbell asked the Minister for Social Development to detail the (i) number; and (ii) percentage of Housing Executive properties in each of the Coleraine Office districts which have single glazed windows.

(AQW 4709/11)

Minister for Social Development: The Housing Executive has advised that (i) there are currently 1402 dwellings within their Coleraine district with single glazed windows and (ii) this is approximately 46% of the total local district stock of 3077 dwellings.

Rural Dwellings: East Londonderry

Mr G Campbell asked the Minister for Social Development how many rural dwellings in the East Londonderry constituency were declared as unfit at 31 December 2010.

(AQW 4710/11)

Minister for Social Development: The information is not available in the format requested as the Housing Executive does not routinely collate information by parliamentary constituency. However, the Housing Executive has advised that the Northern Ireland Housing Executive's 2009 House Condition Survey provides information relating to unfitness levels by the proposed new local government boundaries. Figures are therefore available for the Causeway Coast area which comprises the Limavady, Coleraine, Ballymoney and Moyle areas. The House Condition Survey estimates that approximately 600 rural dwellings were unfit in 2009 within the Causeway Coast area.

Funding Awarded to REACT

Mr C Boylan asked the Minister for Social Development, pursuant to AQW 4030/11, for what purpose was the £140,373.44 funding awarded to REACT used.

(AQW 4711/11)

Minister for Social Development: Under the Areas at Risk programme, the Lisanally and Alexander areas of Armagh were identified as areas of disadvantage and marginalisation to be targeted for a time-bound programme of community support. Following a detailed community audit, REACT, an experienced local community development organisation, was appointed in July 2008 to take responsibility for the planning, co-ordination and management of a two-year support programme.

Two posts, a full-time Project Co-ordinator/Community Development Worker and a part-time Finance and Administration Officer were funded to provide support and development of local community projects in the Lisanally and Alexander areas along with associated running costs.

St Joseph's High School, Newry

Mr M Brady asked the Minister for Social Development why he informed me that he would not be conducting a meeting on the issue of a new sports pitch for St. Joseph's High School in Newry yet he subsequently met with another MLA on this issue on 9 February 2011.

(AQW 4712/11)

Minister for Social Development: My visit to St Joseph's High School in Newry on 9 February 2011 was organised on foot of an invitation from the School Principal, through a local MLA, to highlight the very good work underway within the Education/Community partnership and to acknowledge the support which DSD gives to Newry. During the visit the School Principal made a presentation on the school playing field project and while I and my officials see the merits of the project would bring, the proposal requires to be developed. I was pleased to take up the invitation issued by the Principal to visit the school, which I understood was communicated in a letter to a Newry and Mourne MLA.

Dunclug Community Fund

Mr D McKay asked the Minister for Social Development whether the remaining money in the £500,000 dedicated Dunclug Community Fund, which was set up in 2007, will be made available in the 2011-12 financial year.

(AQW 4713/11)

Minister for Social Development: Dunclug Dedicated Community Fund was established in November 2006 as part of the Dunclug Action Plan and covers a four year period from 1 April 2007 to 31 March 2011. Of the £500,000 allocated to the dedicated community fund, £382,292.92 has been allocated to specific projects and £117,707.08 remains unspent. I will consider the possibility of extending the community fund in the context of budget discussions and decisions.

Dunclug Action Plan

Mr D McKay asked the Minister for Social Development when he will action the recommendation in the Dunclug Action Plan to create a new link road between Dunclug Park and Dunclug Gardens.

(AQW 4714/11)

Minister for Social Development: The Housing Executive had originally included plans to redesign the road layout in Dunclug as part of wider environmental improvements within the Dunclug Estate. The subsequent reduction in capital funding for housing has meant that many of these Environmental Improvement Schemes have had to be postponed. I will be happy to advise the member if that situation changes and this work can proceed at some future stage.

Housing Executive

Ms S Ramsey asked the Minister for Social Development why the Housing Executive has agreed to provide a downstairs shower room at property in Belfast but has refused to provide downstairs sleeping arrangements.

(AQW 4724/11)

Minister for Social Development: There are space standards to be applied for wheelchair bedrooms to allow for turning space, carers etc. and, following a feasibility study and completion of drawings; it was found that the available space would only realistically accommodate the shower room/ wc with a ramp. There was not enough space for a bedroom without impacting on existing rooms in the property and it would be very unlikely that a ramp could be fitted in whatever space would be left. A vertical lift arrangement would therefore best suit the needs of the family and would also allow access to the upstairs of the home. I would be happy to investigate and provide more details about this specific case if the Member wishes to write to me.

Properties in Suffolk and Lenadoon: Security Locks

Ms S Ramsey asked the Minister for Social Development whether the Housing Executive has any plans to fit security locks on the doors and windows of properties in the Suffolk and Lenadoon areas of Belfast.

(AQW 4733/11)

Minister for Social Development: The Housing Executive has advised that it does not fit security locks on any windows within its dwellings. Push button locking handles are fitted with a positive auto latch closure. Key operated locks are not permitted. Doors fitted to Housing Executive dwellings have suitable three or five point locks. In addition they have advised that all fitted windows and doors comply with current standards and specification relating to security and health and safety.

Panel Members at Benefits Oral Appeal Tribunals

Mr P Doherty asked the Minister for Social Development to detail the current reimbursement rates paid to independent panel members at benefits oral appeal tribunals, including subsistence and travel rates.

(AQW 4737/11)

Minister for Social Development: Panel members are paid on a half day sessional basis, with each session comprising a minimum of two up to a maximum of four hearings, depending on complexity. The current fees payable to panel members are detailed below.

	Fee per session £	
Legal Member (Chairman where more than one member on the panel)	£206	
Medical Member (GP)	First 40 sessions	41st session onwards up to 31st March
	£155	£185.50
Medical Consultant	£185.50	
Financial Member	£151	
Member with experience of disability	£96	

The Appeals Service has two Primary venues which are in Belfast and Omagh. Panel members are allocated one of these venues as their permanent station. All travelling expenses for journeys to and from home to designated primary venues are included in the basic sessional/daily fee. Secondary venues are extensively used by The Appeals Service, as temporary satellites, to provide a more effective service to the public. Travel and subsistence expenses including car parking fees can be paid when attending a secondary venue. Mileage and subsistence rates are payable at the Northern Ireland Civil Service current rates which are:

Mileage Rates	Day Subsistence Rates
40 pence per mile	Over 5 hours £4.25
	Over 10 hours £9.30

Rinnalea Gardens in Lenadoon

Ms S Ramsey asked the Minister for Social Development when the homes in Rinnalea Gardens in Lenadoon will have their windows replaced with double glazing.

(AQW 4740/11)

Minister for Social Development: The Housing Executive has advised that the window replacement scheme in the Rinnalea/Lower Lenadoon area of West Belfast is programmed as a local area priority scheme for 2011/12. There are 170 properties included in the scheme, at an estimated cost of £430,000. It is hoped that the scheme, which will take four to five months to complete, will start in early 2012. This is dependent on funding being available.

Housing Executive Board

Ms C Ní Chuilín asked the Minister for Social Development, in relation to the appointment of the current Housing Executive Board, (i) how many times the positions on the Board were publicly advertised; (ii) how many people applied for the positions after each advertisement; (iii) how many candidates were appointed; (iv) whether he received any advice from departmental officials regarding appointments to the Board; and (v) whether this advice was acted upon.

(AQW 4744/11)

Minister for Social Development: I assume the Member is referring to the public appointments made to the current Housing Executive Board, which resulted from a public appointments competition during 2009/2010.

- (i) The positions were publicly advertised in local newspapers on 18 and 19 June 2009 and again as a result of an extended competition on 9, 11 and 12 February 2010. In addition they were

advertised on the Departments web site from 18 June 2009 to 17 July 2009 and from 9 February 2010 to 4 March 2010.

- (ii) Following the advertisements of 18 and 19 June 2009, 48 applications were received with a further 64 received following the February 2010 advertisements.
- (iii) As a result of the competition three public appointments were made to the Board of the Northern Ireland Housing Executive.
- (iv) In accordance with the Commissioner for Public Appointments Code of Practice a Selection Panel, including an independent member, conducted the appointment process. Following interviews by the Selection Panel, a list of candidates deemed suitable for appointment was submitted to my predecessor, Margaret Ritchie MLA, for consideration.
- (v) The responsibility for appointments lies solely with the Minister who accordingly appointed three members to the Board of the Housing Executive to fill the vacant posts.

Home Improvement Grants

Mr P Weir asked the Minister for Social Development to detail the total funding awarded through home improvement grants, excluding Disabled Facilities Grants, in each of the last three years.

(AQW 4749/11)

Minister for Social Development: The table below details the total amount of expenditure in relation to grant aid in each of the last three years, excluding Disabled Facilities Grants.

	2007/08	2008/09	2009/10
Grant Type	£	£	£
Renovation	12,043,430	11,058,656	9,737,840
Replacement	3,755,931	3,448,582	3,411,913
Repair	1,174,478	916,477	1,285,863
Minor Works Assistance	9,623	0	3,240
Houses in Multiple Occupation	1,871,178	1,509,384	2,448,239
Home Repair Assistance	9,050,725	6,632,714	4,784,763
Group Repair	3,393,760	2,501,010	1,641,649
Total	31,299,125	26,066,823	23,313,507

Rural Dwellings: North Down

Mr P Weir asked the Minister for Social Development how many rural dwellings in the North Down constituency were declared as unfit at 31 December 2010.

(AQW 4751/11)

Minister for Social Development: The information is not available in the format requested as the Housing Executive does not routinely collate information by parliamentary constituency. However, the Housing Executive has advised that the Northern Ireland Housing Executive's 2009 House Condition Survey provides information relating to unfitness levels by the proposed new local government boundaries. Figures are therefore available for the Ards and North Down areas. The House Condition Survey estimates that approximately 400 rural dwellings were unfit in 2009 within these areas.

Redevelopment of the Village Area, South Belfast

Mr A Maskey asked the Minister for Social Development what consultation and discussion he has had with other Departments in relation to the regeneration of the Village area in South Belfast.

(AQW 4780/11)

Minister for Social Development: Our plans for the regeneration of the Village area in South Belfast are quite comprehensive and have involved a number of meetings and discussions with several other Departments and their Agencies. These include:

- Department of Finance and Personnel: regarding the economic appraisal for the Urban Renewal Area and Land and Property Services regarding valuations for properties within the redevelopment area;
- Department of Regional Development: Road Service and Northern Ireland Water; regarding the formation of the concept plan;
- Department of Education: regarding plans for schools amalgamation in the area; and
- Department of the Environment: Planning Service; regarding the formation of the concept plan.

Assistant Director of Housing Regeneration Technical Support

Mr P Maskey asked the Minister for Social Development (i) to outline the areas of work that the recently dismissed Assistant Director of Housing Regeneration Technical Support in the Housing Executive was involved in; and (ii) whether he was involved in (a) the Red Sky contract for West Belfast; (b) the Nelson Street project; or (c) the Land for Houses Scheme.

(AQW 4810/11)

Minister for Social Development: The Housing Executive has advised that in relation to (i) the officer was the Assistant Director, Estate Services, which is part of the Housing and Regeneration Division. The post holder was responsible for the headquarters policy, guidance and oversight activities in four main technical areas – the Energy Services Unit, Response Maintenance and Emergency Planning, Grounds Maintenance and the Asbestos Management Unit.

In relation to (ii) the Housing Executive has further advised that:-

- a) the officer would have been involved as part of the Housing Executive team that considers issues that arise from time to time in respect of response maintenance contracts, including those held by Red Sky.
- B) the officer had no involvement in the Nelson Street project.
- C) the officer had no involvement in the Land for Houses scheme.

Funding for Social Housing

Mr T Lunn asked the Minister for Social Development for an update on funding for social housing.

(AQO 1099/11)

Minister for Social Development: There is no doubt we face very challenging times and if we are to continue to meet the needs of our most vulnerable citizens then we have to be ever more innovative and creative in finding ways to deliver more for less. This year the budget allocation for the Social Housing Development programme will provide 2,000 new starts, the highest for a decade. We have increased the percentage of private finance coming into each individual housing scheme, so that more houses can be built for a given amount of government grant. Housing associations have started to access new private finance streams through the European Investment Bank and Bonds Market. These more attractive deals will filter through into more efficient housing provision. We will build a higher percentage of new homes on land already in government ownership, so that land costs are reduced

We also have in place a new Procurement Strategy, with collaborative working by housing providers that is now starting to deliver greater efficiencies in the Social Housing Development Programme. We have already identified how this can be extended into other areas of housing to reduce costs still further.

The draft budget represents a 30% cut in the housing budget over the next four years. However because the revenue reductions were not as severe this top line figure masks the true impact on the capital budgets. On a like for like basis for example the Social Housing Development Programme budget has reduced by over 50%. This will undoubtedly lead to a reduction in the number of new homes that we will be able to start for those on the waiting list.

While the reductions in the revenue budget allocation are significant these reductions will be partially offset through rent increases and the falling loan repayments.

I am pleased that I have been able to protect parts of the housing budget that tackle Fuel Poverty, provide support for those who need help to live independently in the community and help disadvantaged communities through Neighbourhood Renewal. Within regeneration discretionary activities such as consultancy, Professional & Technical costs and Promotions will be targeted to achieve the desired savings. Whilst reflecting a commitment to maintain Neighbourhood Renewal at its current level, indeed a potential increase is being considered. Organisations that receive funding will be routinely encouraged to identify opportunities to collaborate, share services and merge to reduce costs and protect service.

However, overall this is not a good budget for the future of social housing and if there are no further increases to it we will inevitably see an increase in both the waiting list for new housing and the numbers of homes failing to meet decent home standards.

I am pleased that funding has been made available to address the Bamford issues of people being inappropriately cared for in long stay hospital environments as opposed to living independently but this is about the only positive part of the overall housing capital budget which has reduced by 40%. These reductions will impact on all capital programmes and will further delay many of the existing maintenance programmes the Housing Executive would have expected to start.

Housing and Regeneration

Mr D O'Loan asked the Minister for Social Development for his assessment of the funding available for housing and regeneration projects over the next four years
(AQO 1100/11)

Minister for Social Development: There is no doubt we face very challenging times and if we are to continue to meet the needs of our most vulnerable citizens then we have to be ever more innovative and creative in finding ways to deliver more for less. This year the budget allocation for the Social Housing Development programme will provide 2,000 new starts, the highest for a decade. We have increased the percentage of private finance coming into each individual housing scheme, so that more houses can be built for a given amount of government grant. Housing associations have started to access new private finance streams through the European Investment Bank and Bonds Market. These more attractive deals will filter through into more efficient housing provision. We will build a higher percentage of new homes on land already in government ownership, so that land costs are reduced

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DSD: Contracts

Mr T Burns asked the Minister for Social Development for an outline of the potential use of social clauses in his Department's contracts.

(AQO 1101/11)

Minister for Social Development: On my instruction formal guidance was issued on 6 December in my Department and its Arms Length Bodies that from 1 January 2011 those who are awarded contracts to build social housing or undertake major urban regeneration projects will be required to provide work experience for the unemployed. For every £0.5m of labour value, the main contractor will be required to provide a work placement opportunity for an unemployed person through the Department for Employment and Learning's Steps to Work Programme or equivalent. This new requirement will apply both to all new contracts and to existing contracts being renewed. Up to January 2011, all new construction works contracts arranged by Centres of Procurement Expertise have included minimum requirements to recruit one apprentice per £2m of capital value and to recruit one long term unemployed person per £5m of capital value. Lowering the threshold as I have instructed will increase the opportunities for the unemployed to get back to work.

There are 3 ways this can be achieved through the Steps to Work Programme:

- by two 3 week placements of practical work experience;
- by a 26 week placement of work experience which includes working towards a level 2/3 vocationally related qualification; or
- by a 26 week placement of work experience which includes working towards an essential skills qualification.

My instruction is already impacting on the projects being delivered in my Department.

In Housing, Local company T&A Kernoghan, undertaking work for Clanmill Housing Association at the Bass Brewery site, have recently taken on four placements from the local area. Three of the placements are 13 week work experience placements with a 52 week placement for an unemployed person who is working towards a NVQ Level 2 in joinery. The Bass Brewery scheme is an existing contract and pre-dated the 1 Jan 2011 target date. The 4 work placements are the result of a voluntary arrangement between Clanmil Housing Association and T&A Kernoghan.

In Urban Regeneration, a voluntary arrangement was reached with the contractor of the recently completed Derry City Centre Public Realm project whereby he and one of his sub-contractors provided employment for two long-term unemployed people as well as an electrical apprenticeship for one young person. In a number of projects such as the Colin Gateway, Anderstown Road scheme and the Dungannon Public Realm requests have been made to include voluntary agreements with the contractors to provide work experience for the unemployed. In addition the potential for clauses to be included in revenue contracts to maximise the impact on the unemployed is currently being explored.

I have also instructed that a similar social clause be considered for all other contracts such as maintenance; warm homes; and consultancy contracts where possible.

I am determined to ensure that my Department's spending on procurement incentivises training and work experience opportunities for the unemployed and regenerates communities. Procurement is a key driver for delivering sustainable development and I am committed to ensuring that my Department's spending on procurement will contribute to the social, economic and environmental well-being of every citizen of the North.

Girdwood Barracks, Belfast

Mr W Humphrey asked the Minister for Social Development what progress he, or his Department has made in delivering a masterplan, that is agreed by all communities in the area, for the Girdwood Barracks site.

(AQO 1102/11)

Minister for Social Development: I and my Ministerial predecessor have consulted with political representatives from across the community in North Belfast during 2010 to see whether we could reach a consensus on an agreed masterplan. The current draft masterplan provides for an integrated comprehensive approach to the redevelopment of both Girdwood and the former Crumlin Road Prison, which is the responsibility of OFMDFM. To date it has not been possible to achieve a consensus on this prime site which holds the potential to boost the regeneration of inner North Belfast by providing much needed jobs and social housing. However, my Department remains determined to promote those elements of the draft masterplan over which we can exert direct influence such as social housing on the Girdwood site and Belfast City Council's proposed community hub. Moreover, to address housing need there have been particular housing interventions in the Lower Falls (e.g. Ross Street flats), the Lower Shankill (Masterplan addressing housing and other needs) and Lower Oldpark (local plan). I believe in responding to need and I hope any further proposals on Girdwood are acknowledged and welcomed.

Housing Executive: Fireplaces

Mr D McKay asked the Minister for Social Development whether the Housing Executive intends to review the policy on the opening of fireplaces in its properties.

(AQO 1103/11)

Minister for Social Development: The retention of open fires after the installation of gas or oil heating is contrary to existing Housing Executive heating policy and the opening up of blocked up fire places is not within current policy options. I have asked the Housing Executive to undertake a heating policy review to consider its approach to all heating systems and control. The review will consider initial and regular maintenance costs, effectiveness, ease of use, health and safety and environmental/sustainability issues.

The Housing Executive installs heating systems with high efficiency boilers and controls to ensure that annual running costs remain lower than for solid fuels and the heating policy is designed to reduce carbon emissions from their properties.

City of Culture 2013

Mr P Ramsey asked the Minister for Social Development what funds his Department has allocated to the Derry-Londonderry City of Culture 2013.

(AQO 1104/11)

Minister for Social Development: I was the only Minister who bid for new capital monies for the City of Culture 2013 and the Executive has provisionally allocated £5 million in each of the years 2011-12 and 2012-13 from Invest to Save funds. However, confirmation of the availability of these funds is subject to the final endorsement by the Executive based on recommendations by the Finance Minister. I have submitted the necessary supporting documentation to the Department of Finance and Personnel and I am hopeful of a positive outcome. My Department also anticipates spend of £1.1m resource monies through Ilex towards City of Culture 2013. I have asked officials to develop proposals and plans for these monies, which are at an advanced stage. Given the importance of 2013 Culture City, it would be a negative signal if these monies were in any jeopardy.

Charity Commission

Mr J Craig asked the Minister for Social Development for his assessment of the costs of around £800,000 incurred by the Charity Commission to date, given that it has no legal remit.

(AQO 1105/11)

Minister for Social Development: The Charity Commission for Northern Ireland's (CCNI's) legal remit was established under Part 2 of the Charities Act (Northern Ireland) 2008.

My assessment is that costs have been reasonably and necessarily incurred by the CCNI, over an 18 month period, in carrying out the necessary preparations for its work as the first regulator of charities in Northern Ireland.

From the outset it was anticipated that costs would be in the region of £800k per annum. The Charities Commission in England & Wales had a total net operating cost of £31.4 million in 2009/2010 and the Office of the Scottish Charity Regulator, a net operating cost of £2.8 million in 2009/2010.

My Department's investment to date has positioned the CCNI to take on new powers of investigation and regulation that come into operation on 18 February 2011.

The work of the CCNI will provide much needed oversight, accountability and support to the charitable sector in Northern Ireland. There are at least 7,000 charities in Northern Ireland – indeed perhaps many more. This fact confirms the need for regulation and, where necessary, investigation. It cannot and must not be done on a shoe string. The costs of the Commission are appropriate and its role should be affirmed.

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

Education

Training Courses

in *Bound Volume 62, pages WA42–51, replace the answer to question (AQW 4117/11) asked by Mr T Burns with:*

D'fhreastail 13 bhall foirne ar fad ón Roinn Oideachais ar 7 *gcúrsa thar lear le linn na 5 bliana féilire 2006 – 2010.

A total of 13 staff from the Department of Education attended 7 *courses overseas throughout the 5 calendar years 2006 – 2010. Detailed information as asked for at (ii) – (xi) of the question is provided in the table below.

* For the purpose of answering this question, attendance at courses has been interpreted to include study visits.

Number of Training courses/ study visits which DE staff have attended overseas in last 5 years	Name of the course/ purpose of the training	When course took place	Duration of each course	how many members of staff took part on each course	The grade and branch of each member of staff who took part	In which country the courses took place	The cost of fees for each course and each individual attendee	The travel expenses incurred by each attendee of each course	The accommodation costs incurred by each attendee of each course	The specific name and location of places where each attendee stayed during their travel and attendance on each course
A total of 13 staff attended 7 courses/ study visits throughout the 5 calendar years 2006-2010	Cultural Diversity in Education Programme	7.11.06-17.11.06	10 days	1	G5 (Support/ Safeguarding Children)	USA	Costs borne by Irish Institute at Boston College	Approx £40 to and from Airport	Costs borne by Irish Institute at Boston College	Brookline Courtyard by Marriott Hotel, Boston and Marriott San Francisco Fisherman's Wharf

Number of Training courses/ study visits which DE staff have attended overseas in last 5 years	Name of the course/ purpose of the training	When course took place	Duration of each course	how many members of staff took part on each course	The grade and branch of each member of staff who took part	In which country the courses took place	The cost of fees for each course and each individual attendee	The travel expenses incurred by each attendee of each course	The accommodation costs incurred by each attendee of each course	The specific name and location of places where each attendee stayed during their travel and attendance on each course
	European Study Visit (To enhance and consolidate learning in relation to working with the European Institutions)	3.11.08-7.11.08	5 days	1	EOII(Financial Plng & European Team)	Belgium	£476	£157	Accommodation included in Fees	Leuven Instit for Ireland in Europe, Belgium
	Leadership in a Changing World (A north/ south and British/ Ireland leadership development programme for newly appointed Senior Civil Servants	26.11.06-1.12.16 4.11.07-9.11.07	6 days 6 days	2 1	G5(ETI) G5 (Policy, Research & Youth) G5(ETI)	USA	£4,243 £4,243 £3,823	Approx £40 to and from Airport	Campus Accommodation included in Fees	Campus – Harvard Business School, Cambridge, MA

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	Leadership for a Democratic Society (An international leadership role required of career senior executives and the democratic values and beliefs that underpin leadership)	30.4.06-26.5.06	4 weeks	1	G5 – Development & Infrastructure	USA	£6784	Approx £40 to and from Airport	Campus accommodation Included in Fees	Campus – FEI, Charlottesville, VA

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	Leaders for Tomorrow (A north/south public/private Leadership development programme for middle management level)	14.1.07-3.2.07 27.1.08-14.2.08 18.1.09-6.2.09 17.1.10-29.1.10	3 weeks 3 weeks 3 weeks 2 weeks	1 2 2 1	DP(Accounts Br) DP(Ed W'force Dev) SO(Youth/Sch) SO(Press Off) SO(Standards & Improv) DP(School Access Team)	USA	£6,368 £5,817 £5,817 £7,520 £7,520 £6,782	£427 £608 £608 £538 £538 £437	Campus accommodation Included in Fees	Campus – Harvard Business School, Cambridge, MA
	Study Visit Autism in Educational Settings (Programme for policy makers)	16.1.07-26.1.07	10 days	1	G7 (Special Ed Branch)	USA	Costs borne by Irish Institute at Boston College	Approx £40 to and from Airport	Costs borne by Irish Institute at Boston College	Brookline Courtyard by Marriott Hotel, Boston and Horton Grand Hotel, San Diego

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	Study Visit Youth Programme	13.5.09-15.5.09	3 days	3	G7, DP & SO (Youth & Schools in the Community Team)	Belgium	Costs borne by Youth Council NI	Approx £35 per person	Costs borne by Youth Council NI	Radisson Blu EU Hotel, Brussels

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